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COMMISSION OF INQUIRY INTO THE  
USE OF DRUGS AND BANNED PRACTICES  
INTENDED TO INCREASE ATHLETIC PERFORMANCE



B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

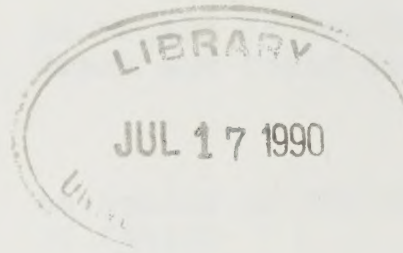
HEARING HELD AT 1235 BAY STREET,  
2nd FLOOR, TORONTO, ONTARIO,  
ON TUESDAY, SEPTEMBER 19, 1989

VOLUME 86





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(i)

C O U N S E L:

R. ARMSTRONG, Q.C.  
Ms. K. CHOWN

on behalf of the  
Commission

R. BOURQUE

on behalf of the Canadian  
Track and Field Association

E. SOJONKY, Q.C.  
A. PREFONTAINE

on behalf of the Government  
of Canada

A. PRATT

on behalf of Charles  
Francis





(ii)

I N D E X   O F   W I T N E S S E S

NAME PAGE NO.

---

ABBY HOFFMAN: Recalled 14627

Examination by Mr. Armstrong 14627

LYLE MAKOSKY: Recalled 14741

Examination by Mr. Armstrong 14741

Examination by Mr. Pratt 14813





(iii)

I N D E X   O F   E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE NO.
291	Document entitled "A National Anti-Doping Testing Authority for Canada"	14709
292	Document entitled Events and Trends in the International Antidoping Campaign, Overview of Comments Provided by the Assistant Deputy Minister of Fitness and Amateur Sport	14742
293	French version of Exhibit 292	14742
294	Document entitled "Possible areas of Collaboration Among National Governments"	14786
295	French Version of Exhibit 294	14786





--- Upon commencing:

THE COMMISSIONER: Mr. Armstrong, Ms.  
Hoffman.

MR. ARMSTRONG: Thank you, Mr.  
5 Commissioner. Our next witness is Ms. Hoffman.

THE COMMISSIONER: She's already been  
sworn.

MR. ARMSTRONG: She's already been sworn.  
She's ready. I am not sure that I am.

10

ABBY HOFFMAN: Recalled.

--- EXAMINATION BY MR. ARMSTRONG:

THE COMMISSIONER: Very well.

MR. ARMSTRONG: Thank you, Mr.  
15 Commissioner.

MR. ARMSTRONG:

Q. Ms. Hoffman, when you were here in  
January we promised to invite you back and you promised to  
20 come if we did, and each of us is keeping our promise.

I want to cover a number of topics with you  
this morning in a sense by way of wrap up. Some of the  
topics don't necessarily relate to each other, but we will  
move through them.

25

First of all, I wanted to ask you some





questions about what your knowledge was during the period of your mandate as Director General of Sports Canada since 1981 of the use of anabolic steroids by particularly track and field athletes because your position in regard to the weightlifters has already been documented in this Inquiry through correspondence from your office, and, indeed, two fairly comprehensive letters signed by you, but dealing particularly with track and field during the period of your mandate as Director General of Sport Canada, did any specific instances or cases or information concerning the use of anabolic steroids and in particular other performance-enhancing drugs comes to your attention?

A. Well, there were, of course, the positive tests, one of which the first Canadian track and field athlete involved in a steroid offense, Alexis Paul MacDonald in 1981, it was just prior to my joining Sport Canada. Then, of course, there were several other positives: Harold Willars, and then the three athletes immediately prior to the Commonwealth Games in 1986.

Needless to say it wasn't ever our presumption that all of the athletes in Canada in track and field who might be using anabolic steroids were be apprehended by doping controls administered either in Canada or outside of Canada.

I think we knew enough about the likely or



probable extent of doping in the world of track and field generally to presume that there were others in Canada involved.

5                   However, there were no occasions that I can recall where anyone said to us or where it was reported to us that such and such an individual or such and such a group of athletes were in fact alleged to be or were actually using steroids.

10                   Now, there were on other occasions conversations that either I had one on one, for example, with Dr. Doug Clement at the Los Angeles Olympics in 1984 or that I was privy to within a group context. Andy Higgins, for example, at a Sport Medicine Council meeting in spring of 1987, I believe, where the comment was made  
15                   that there were Canadian athletes in track and field who were avoiding detection through the normal administration of doping controls at competitions or in Canada or outside of Canada.

20                   But in none of those cases, to my recollection, did anyone say this is a matter concerning or this allegation is with respect to a particular group or any named individual athlete.

25                   I think the closest that one could say I came to with respect to specific information would be items like the newspaper article that I think has been





noted here previously quoting Mike Dwyer. This was in January 1987, I believe.

THE COMMISSIONER: From the Vancouver press I think it was.

5 THE WITNESS: I believe he was in Vancouver at the time. The version I read of the story it may have been a wire story, it was in Ottawa paper, sir.

THE COMMISSIONER: We have that story on file.

10 THE WITNESS: Yes. So, I saw that.

We did some brief checking into that with the Canadian Track and Field Association, but there was no particular information or points of substance that emanated from that story and those allegations simply dissipated or discussion about those allegations  
15 dissipated over time.

Of course, we all heard about Carl Lewis' comments on Ben Johnson after the World Championships in Rome in 1987.

20 So, those were the kinds of things. In fact, that almost comprises the full list of commentary that I was aware of, and it was rather general in nature.

MR. ARMSTRONG:

25 Q. If I could just ask you about one of





the people you mentioned, that is Andy Higgins, who as we know is the coach of the University of Toronto track team and the University of Toronto track club.

5 The evidence as we have it here both from him and from others is that certainly during late 1987 or early 1988 he and the other University of Toronto coaches were quite vocal over their concern about the York University sprint group, and, although, apparently on all the evidence certainly as we have it they were never able  
10 to articulate their concern with specific instances of what has been described as hard evidence.

They did make it clear that they thought that the sprint group at York was benefiting from the use of anabolic steroids.

15 Now, did that kind of information ever come to your attention and particularly did Higgins, Mr. Higgins, when he was a member of the Sports Medicine Council of Canada committee as you were or an ad hoc member as you are, did he ever say to you look, Ms.  
20 Hoffman, we have got a situation at York, we are concerned about it, I am getting no where with the Canadian Track and Field Association, you control the purse strings, are you going to do something about it?

A. There is no occasion that -- on which  
25 Mr. Higgins or anyone else who we now know were involved



in reports and discussions within the Canadian Track and Field Association, no occasion when those reports or any of the content you have just reiterated was conveyed to me personally or, to my knowledge, anyone else at Sport Canada.

As far as we can tell, those discussions were held within the confines of the University of Toronto group, and in some -- well various discussions also it seems involving relatively small groups of people within the Canadian Track and Field Association.

There was no occasion on which Mr. Higgins or others said with any -- with respect to any particular individual athlete or any particular group of athletes that he had a concern or had knowledge about their possible drug use.

Q. I take it it goes from, it follows from your answer, then, that you would not have become aware of the informal protests, if I can put it that way, by the U. of T. coaches to the Canadian Track and Field Association which led to a meeting between some of the officials of the CTFA, the U. of T. coaches and then subsequently a meeting between Mr. Francis and Gerard Mach and one other official of the CTFA resulting in Mr. Francis telling them that, look, if those people don't stop talking about our use of steroids I am going to sue them?





A. . My knowledge of those meetings is strictly as I have heard it given in testimony in this Inquiry.

5 Q. All right. Now, let me ask you about a couple of particular -- one particular athlete. You are, of course, an old track and field performer--

A. I think former is the word.

THE COMMISSIONER: Not old, former.

10 MR. ARMSTRONG:

Q. Former. All right.

THE COMMISSIONER: Now, please, Mr. Armstrong, I know it is late in the hearing, but I want you to continue the courtesy which you have always done to pursue it to the very end.

15

THE WITNESS: Thank you, sir.

MR. ARMSTRONG: It was falling into my Ottawa Valley slang that some people would say I use it all the time.

20 THE COMMISSIONER: Will you repeat the question in its proper form.

MR. ARMSTRONG:

25 Q. You are a former great Olympic -- you are a former international track and field athlete, and



presumably you follow the track and field scene, and would you, for example, have attended the Ottawa indoor meet in January of 1988?

A. Yes, I was at that competition.

5 Q. We have had more than one witness here who has testified to the rather remarkable appearance of certainly Mark McKoy. Some have also remarked on the appearance of Desai Williams. Some have gone on to draw the conclusion that because of the remarkable muscular  
10 development of Mark McKoy who was apparently a fairly slight individual over a matter of a few months, that there was a high suspicion that having recently joined the Francis group he was on steroids.

15 Did you make any observation about McKoy, and did you come to any conclusion if you did make such an observation?

A. I did see McKoy at the competition in Ottawa, and I think I can quite distinctly recall saying to someone seated next to me at the competition that McKoy  
20 indeed looked considerably stronger and had more upper body musculature then on the last occasion when I had seen him in Rome at the World Championships in the first few days of September of 1987.

25 I also knew, however, that McKoy, as was the case with Desai Williams, had not been happy with his





performance in Rome in '87, that the Olympics were that year, that it was likely, maybe less so for McKoy, but quite probably for McKoy and Williams their last chance to do something of significance in their minds at the Olympic Games, and that in all probability they were training harder than they ever had before.

And in McKoy's case, in particular, having had a somewhat unstable personal training situation in the preceding couple of years leading, I think, to a disappointing performance for him in Rome, it wasn't at all surprising that he would increase his training volume significantly. And it was not either particularly surprising that at the beginning of the competitive season in January, following what in all probability were three or four months of very intensive weight training that he would look very different or somewhat different than he might have looked at the end of the long 1987 season when presumably a serious lifting program as part of his training would have been six months in the past.

Now, I suppose one could say that there was a degree of rationalization there, but I think also that I would say that I think we were very concerned about comments that we heard from time to time which were along these lines that when an athlete's performance improved, even marginally, many people were very quick to comment



that that must be on account of the use of banned drugs or steroids in particular.

And so I think that there was a concern on my part and on others to try to think through what other  
5 factors might contribute to either improve performance or a change in body confirmation or whatever, and we tended, I think, to look at athletes and not see muscles where -- that were bigger than what the athlete in question actually possessed, because I think there were enough  
10 people on the other side of the ledger who were quick to look at any modest change in performance or musculature and immediately leap to the conclusion that they were looking at a doped athlete.

So, yes, in sum, I thought McKoy looked  
15 differently than he had at the end of the summer, end of the preceding summer, but I didn't think then and I don't think now that one can simply look at an athlete and saying we are dealing with a doped individual.

Q. In the set up of Sport Canada, I think  
20 it has been explained to us back in the very first days of this Inquiry, that you employ consultants or co-ordinators who deal with each of the sports, some carry a portfolio of more than one sport. We know that Mr. Heikkila, William Heikkila, was and I guess is the consultant  
25 responsible for liaison between Sport Canada and the track





and field organization.

Did any of the rumors that you may have heard, any of the speculation you may have heard, any of the observations that you may have made yourself that you have mentioned here; lead you at any time to say to Mr. Heikkila, what is going on in track and field, is there something there that we should know something about. In particular, what about the Mazda group, because I assume you must by virtue of some of the things you have said already have heard the rumours about the Mazda group at York?



A. I'm not sure that I would agree that I heard the rumours about the Mazda Group. I think most of what I had heard was either about Ben Johnson or Angella Taylor.

5 Angela Bailey, for example, had made some comments that might be put under the category of innuendo about Angella Taylor going back some several years.

10 So I didn't really have any discussions nor have reason to believe that there was a group, the Mazda Group, particularly at that time, that is, the fall of '87, winter of '88, that should be particularly targeted with respect to doping allegations.

15 The conversations that I had with Bill Heikkila were more along the lines of the public comments, I guess coming particularly from Carl Lewis, about Johnson specifically, and they tended to come up in the context of the acrimony, which was quite considerable, between Charlie Francis and other coaches, between Francis and the Association, and I --- it's probably only modest hyperbole  
20 to say between Francis and most of the rest of the world, as I think has been indicated here.

He was the kind of individual, as we all know, who evoked strong reactions, he had strong opinions and so on.

25 So on occasion some of the discussions, and



they weren't many in number or great in length, that I had with Bill Heikkila, tended to be more along the lines of, for reasons mainly, I guess, one would almost say sour grapes, Francis is under attack again.

5                   But, as I say, these conversations were not substantive.

10                   In -- I believe it was April, possibly May, I think April of 1988, I was told by Bill Heikkila that some other people, unnamed other people, related to the sport thought that there might be some impending doping bubble about to burst. But there was no more detail than, than that.

15                   Q. All right. Just carrying on with, with the Mazda Group or the York University Sprint Centre, I think you are aware that the president of the Ontario Track and Field Association testified here a few weeks ago and during the course of his evidence he presented a letter which he had written to the chairman of the board of the CTFA, Mr. Jean-Guy Ouellette, and the president and 20 CEO of the CTFA, Mr. Wilf Wedmann. It's Exhibit 248, and I'm just going to read you one paragraph of the letter.

He said:

25                   It has recently been of an increasing frequency that athletes, coaches and administrators have expressed their concern





to me with respect to the coaching and training methods and practices that are being employed and developed at the National Sprint Centre.

5

He went on to request the CTFA to look into this, and to deal with it at the next board meeting in April of 1988.

10

My question is, did the concern of Mr. Lund, in particular, and the Ontario Track and Field Association in the spring of 1988 concerning York University come to your attention?

15

A. No, the letter, as you will note from the copy, was not, was not copied to either the Sport Medicine Council or Sport Canada or myself in particular or the Ontario Ministry of Tourism and Recreation, who were also involved in funding through the OTFA that centre. And so there simply was no awareness on our part of the existence of that letter.

20

And I believe it's correct also that the matter had been dealt with in some manner by the CTFA, such that in fact it was not tabled at the April 1988 board meeting of the CTFA, where Mr. Heikkila, on our behalf, was present.

25

And while I have other information from



discussions on other matters that occurred at that board meeting, there was no recounting of any discussion about the allegations vis-a-vis the Mazda Club that I'm aware of that was discussed at that, at that board meeting.

5 Q. And as far as you're aware, this letter certainly did not come to the attention of Mr. Heikkila?

A. Not that I am aware of, at all. All of these pieces of correspondence related to the discussions within the CTFA in the winter of 1988, as I said earlier,  
10 we're aware of through testimony in the inquiry.

Q. Then let me just take you back in the chronology, if I may.

We have had some evidence from Mr. Glenn Bogue, who was the Athlete Services representative of the Canadian Track and Field Association for a period of time  
15 I think ending in 1986.

He testified that he had lodged -- that's not the proper word -- that he had provided certain information to the then president of the CTFA, he said in  
20 1985, but on Mr. Wedmann's evidence it appears it was more likely 1986, concerning the use of steroids by Ben Johnson in particular, and perhaps by others at the Mazda Group.

And I assume from what you've said that that information which Bogue passed on, indeed, from Desai  
25 Williams, never came to your attention?





A. No, it did not.

Q. And then Steve Findlay, moving ahead to 1988, the successor of Mr. Bogue, testified that he had a conversation with David Steen in January of 1988 after the track and field indoor meet at the Maple Leaf Gardens, and he revealed information that he -- that is, Steen revealed to Findlay certain information that he had gotten from Dr. Astaphan at the track and field meet concerning the use of steroids by Angella Issajenko and other members of the Mazda Group.

And I take it again from what you have said, Ms. Hoffman, that none of that information ever came to your attention before it was revealed in the course of evidence of this inquiry?

A. That's correct.

Q. All right. Now, let me just ask you this. Did the Sport Canada director during the period of time from 1981 --- indeed, right up to the present --- did it and does it have any investigative capacity?

A. We don't have a formal investigative capacity. In other words, there isn't a discrete, visible, known procedure that we have ready to go and to be put in place should some matter come to our attention that requires such an approach.

However, there have been occasions in other



areas where a matter that is occurring somewhere within a sport body is of such a nature that some extraordinary action by the government is deemed to be appropriate.

5           So just as an example, in, I believe it was 1983, there was an issue concerning the coach of the national women's basketball team and after the issue had become of sufficient .... intensity, let's call it, within that sport and in the public domain generally, the minister of the day appointed a judge to look into the  
10           matter and to make a recommendation to the government as to the future of the coach with that particular team.

          So my point here is simply to say that, no, there is not an on-the-shelf, ready-to-go investigative procedure, but there are occasions when matters have been  
15           brought to our attention and, if deemed appropriate for the government to be involved, a process is developed and, and put in place virtually immediately.

          Q.     Concerning the apparent problem of the use of performance enhancing drugs, and in particular the  
20           use of steroids that became clear post the Pan American Games in 1983, if not before, but that's certainly when the government of Canada became concerned about it and developed its policy; you were intimately involved and have been intimately involved in it.

25           Is it fair to say that your approach as



director of Sport Canada was that the problem would be dealt with, in whatever its dimensions were, in the implementation of the policy that Sport Canada had enunciated in '83, amended in '85, which included, among  
5 other things, an insistence that each national sport organization had an appropriate and effective doping control programme?

A. I think it's fair to say that it was our belief that the elements of an anti-doping programme  
10 that we had in place, policies, plans of organizations, contracts with the laboratory, provisions for out-of-competition testing, contracts with personnel in organizations, athlete contracts, and so on, that when all of those pieces were operational, fully operational, that  
15 we would be able to meet our objectives of detecting doping, among those athletes who were using banned substances, and deterring those who might be tempted to do so.

I should point out that's different than  
20 saying that all of the pieces were at the optimum level of implementation in 1987 or 1988, but that was our approach.

THE COMMISSIONER: But that was left to the national sports organizations to police and carry out themselves, I gather?

25 THE WITNESS: To a degree. However, the





plans of the associations which were solicited by us ---

THE COMMISSIONER: But they're required to submit a plan and ---

THE WITNESS: They were.

5 THE COMMISSIONER: --- as part of the funding conditions, I gather?

THE WITNESS: Yes, but there was more to it than that.

10 They also received some feedback and some direction in some cases on what they should do to either speed up the process of their anti-doping activities or to inject new elements or whatever seemed appropriate.

15 So it was a little different than our merely receiving the plans. We received them; they were discussed with the sport in question; they were also reviewed by the Sport Medicine Council Advisory Committee and steps were taken to try to increase the intensity of anti-doping activities in those sports where it was our view and the Sport Medicine Council Advisory Committee's view that more, more needed to be done.

20 THE COMMISSIONER: But the actual carrying out of the programme was left to the sports federations?

25 THE WITNESS: Many phases of implementation of testing were indeed left to the organizations, that's, that's correct, and ---



THE COMMISSIONER: Well, I know the role of the Sports Medicine concept, but the actual implementation of it and the testing was -- I gather you were relying on sports federations to carry out their programmes which they had submitted to you?

THE WITNESS: Through most of the period we're speaking of.

If we're talking about the period up to the spring or summer of 1988, that's correct, though in the winter of 1988 was the -- that was the time period in which it was determined that there were inadequacies in having the individual federations implementing and managing their own doping controls, and so the programme of training and certifying doping control officers was put in place.

And I think the first officers were trained sometime in the late spring of 1988, and these were people perhaps nominated by sports federations, but not necessarily, who would in fact oversee the doping control procedures at competitions or outside of competitions.

THE COMMISSIONER: Go ahead.

MR. ARMSTRONG:

Q. I'm now going to turn to another subject, and that is the subject of the athletes'



assistance programme, better known as the carding system,  
the carding programme.

And when you and Mr. Makosky were here in  
January you provided us with the basic information as to  
5 what the genesis of the system has been and where it was  
at, as of 1988. Since then we've, of course, heard a lot  
of evidence about the carding system.

One of the things that has been suggested  
perhaps by more than one witness since you were last here,  
10 is that by tying the carding criteria to international  
standards such as the top eight or the top 16 in the  
world, that Sport Canada may in effect be encouraging some  
athletes in some events --- perhaps unwittingly --- to  
consider taking performance enhancing drugs.

15 In other words, taking a specific example,  
if the top eight in the world in the shot put are putting  
the shot over 20 meters -- and I don't know if that is  
necessarily the case, but let's take that as an example --  
that if I want to be an A card, on the evidence here, in  
20 order to put the shot over 20 meters, I've got to  
seriously consider taking anabolic steroids.

And that's why I think it's been suggested  
that at least unwittingly our system in Canada may  
encourage an athlete in an event such as the shot put to  
25 at least consider the use of anabolic steroids, and I





invite and ask you to comment on that concern that has been expressed as a serious concern here?

5           A.    Well, let me say something first of all about the A and B standards, and maybe even about the athletes' assistance programme in general.

I think, and I noted this in the testimony in January, but I think one thing that bears remembering is the fact that we are conducting a programme and providing assistance to athletes in 45 or more sports.

10           And there is a degree in which, therefore, I think we design the programme and administer it and manage it relative to the needs of the overwhelming majority of the sports involved.

15           And I think it was our view, and continues to be our view, that Canadian athletes have a legitimate chance to be ranked in the top eight or the top 16 in the world, and that is to acquire an A or B card in the overwhelming majority of sports and events in which Canadians compete internationally, without having to  
20           compromise what we might all regard as the ethical principles of fair play in sport.

So in the first instance, the A and B cards, we think, are reasonable in general.

25           In the specific case of sports or particular events in track and field where one certainly could make



the case that the A and B standards may be contaminated  
by, or artificially inflated by, the presence of doping in  
that particular sport, we have at least always said -- and  
we've been increasingly inflexible on this particular  
5 point -- we've said that an A or B card performance can  
only be registered at the Olympic Games or at a world  
championship.

10

15

20

25



In other words, at minimum, at least at an event where testing is known to be occurring.

Now, we know also all of the difficulties associating with attributing lack of doping to the fact of a negative test at a major competition. But nonetheless, I am simply noting that A and B cards can only be acquired at major international events, primarily the world championships in that sport or the Olympic Games.

Q. Well, just let me stop you there. In fairness, though, Sport Canada and you, in particular, are not in any way fooled by that, knowing that, as Dr. Ljungqvist made it so clear yesterday and many other witnesses have made it so clear, that testing at competition simply does not - does not reveal the extent of drug use among track and field athletes who are likely taking anabolic steroids?

A. That was supposed to be the intent of my rather convoluted point a minute ago.

Q. All right.

A. But I am simply saying that we have at least acknowledged --

THE COMMISSIONER: You say that was recognized that but that was some standard, you had to follow some standard?

THE WITNESS: Sure. I suppose we would say





it was certainly preferable to simply taking the world ranking list at the end of each year and taking the list of the eight best and seeing if there was a Canadian there and seeing the list of the top 16 and seeing if there was a Canadian there. I am simply saying there was a small step.

I think we have also been concerned that we not communicate the impression that the only way to be in the top 16 in the world or the top 8 in the world is through the aid of doping. I mean, we do after all have athletes in Canada who have professed to be, and I think are widely regarded as athletes who have not succumbed to the temptation to use doping agents who have A and B cards in events where it is also widely believed that there is doping among some athletes at the international level.

And so we are stuck with the dilemma, speaking in respect here of A and B cards for example, of asking ourselves whether or not we should deny to a Dave Steen, for example, or a Lynn Williams, an A card that they have legitimately achieved even though we have reason to believe, as do others in the world, that there may have been athletes in those same events who have used banned substances.

THE COMMISSIONER: They would qualify anyway because they have the performance; assuming they



have the performance standards, they would qualify?

THE WITNESS: That's right, but we have presumed also that they have made that performance, achieved that performance without the use of banned substances.

And I think we have to be careful about assuming that either we are the only country in the world that has clean athletes on the one hand; and at the same time assuming that in order -- everyone else in the world has accomplished that performance by cheating by using banned substances.

In other words, I am saying it is difficult to call into question entirely the notion of providing some rewards to those who achieve at the highest level. It is almost too easy, I guess, is what I am saying to assume that doping pervades the -- it pervades entirely the highest levels of performance in certain events even where it is generally believed that there may be doping going on.

So, I am simply speaking to the issue of -- perhaps it is not the question you were raising, Mr. Armstrong, but I am speaking to the issue of should we abandon A and B cards altogether.

And I guess we would make the case that no, we should not, that we cannot, it is not right, we don't



have enough evidence to presume that the highest rankings --

THE COMMISSIONER: No, what is being questioned is not abolishing the A or B cards, but the qualifications for the A and B cards.

MR. ARMSTRONG: Exactly.

THE COMMISSIONER: In other words, what is being said let's assume we have the best Canadian athlete in a particular specialty, and let's assume that he or she is not within the top 8 in the world, assuming all the top 8 are not taking drugs, should that person not be eligible for funding to meet the objective of funding unless the objective of funding is only to create gold medalists or medalists?

THE WITNESS: Well, I think, Mr. Commissioner, if I may, I think you are referring to the C carding level, which I was going to get to in a moment, because it is the C carding level that is the overwhelming majority of carded athletes in the country.

THE COMMISSIONER: I am talking about carding, not necessarily A or B?

THE WITNESS: Okay. Well, in the case of C cards, I think that, and speaking if we are particularly about the case of track and field, the C card standard which track and field has used or is currently using, is





based on achieving a performance equivalent to the 40th best place in the world counting three athletes per country, which means that the actual absolute ranking that the Canadian athlete must achieve is not 40th at all, it is probably quite a ways below 40th, but that's the performance that's used.

The discussion that's been held with us about alterations to those carding standards has tended to focus -- in the last several years, has tended to focus on the throwing events, particularly the shot put and discus throwing events where it was widely believed that doping was in fact pervasive, that you likely couldn't make it in to the -- couldn't get on the podium, get a medal, probably couldn't get into the top 8 unless you were prepared to use banned drugs.

But with respect to C card athletes, when you look at the performances that are required to reach the 40th best, counting three per country, there is an incredible drop off between the 8th best performance in the world, and the 40th best counting three per country.

And it is quite different, interesting enough, in shot put and discus throw and even in javelin to a degree that most of the other events on the program, in the 100 meters, for example, to be 40th best in the world, three per country, because of the numbers of



athletes in the numbers of countries who participate in that event, one needs to put up a performance that's 97 or 98 percent equivalent to the 8th best in the world.

5 In the shot put and discus, the performance level required for women is in the 84-85 percent range, and for men 88, 89, 90 percent range.

10 So, I guess what I am saying is that when we look at those carding standards, and take the 40th best in the world, three per country, we are not entirely convinced that beyond the top placings the influence of doping is necessarily all that pervasive.

And that has to do in large measure with the numbers of countries and the numbers of athletes in the world that are involved in those particular events.

15 So, when you have -- I mean, I guess we would say with or without drugs, putting up a performance that's 88 or 90 percent of the 8th best performance in the world, I am not saying it is easy, but I think we would probably continue to make the case that a reasonably  
20 talented athlete, properly prepared with good coaching, and an appropriate competitive schedule, has a reasonable chance to make that standard or to certainly come very close to it.

25 None of this, by the way, is to say that the issue of the carding standards shouldn't be discussed.



But I think our view is that inasmuch as the purpose of the C cards is to provide support to those athletes who have a chance ultimately to do well at the international level, and not just to win medals or only to win medals, but to be competitive at the international level, we think an international reference point by and large is appropriate.

But I think the other point we would make, and I believe I made this or alluded to this in the testimony in January, is that lowering the standards, using a Canadian standard doesn't reduce the pressure on athletes that might lead them to succumb to doping or some other form of cheating.

We know what happened in weightlifting. The standards were lowered, and in some respects one could say that the prospect of being carded was now available to more athletes and doping continued.

Now, it continued obviously for other reasons. But we have sports, and I am not mentioning this with respect to doping, but in a sport, for example, such as figure skating where carding is based on finishing in the top four in the Canadian championships, I don't think one could say that there isn't pressure, largely selfimposed, I think we would say, but there is tremendous pressure on athletes in the Canadian championship to make





the top four and to receive the financial support that accompanies carding.

5 So, we understand the concerns about the international reference points, but we also at this stage have not been presented with alternatives, and we are certainly receptive to those, but we have been presented with alternative that --

10 THE COMMISSIONER: I take it the top four get carded; is that right, in championship figure skating?

THE WITNESS: In figures skating. And, of course, that's feasible because there are only four events in figure skating. So, it is not unrealistic for the association and for Sport Canada to be able to afford to card that number of athletes.

15 And indeed I think we will say also that given Canada's standing in figure skating, medals in the Olympics Games in three of the four events on the program, when we card the best Canadians, we know based on figure skating's recent performance record that we are assisting  
20 athletes who have the potential to be among the better athletes in the world because that's figure skating's station in international competitive life, let's call it, at this particular point in time.

25 THE COMMISSIONER: All right. Mr. Armstrong.



MR. ARMSTRONG:

Q. Thank you. I am going to again move on to another topic, and that's the topic of sanctions.

One of the issues which has again emerged during the course of the evidence since you were last testifying has been what are the appropriate penalties or sanctions for a person who has committed a doping offense. And, of course, we have become well aware and familiar with the Sport Canada lifetime ban of financial support for athletes testing positively for steroids, and I think either direct or indirect effect that that appears to have on the NSO as revealed in particular by your letter to Mr. Dupre of June 9, 1989.

It appears, just before I get to the question that I want to ask you, that there are obviously different views on whether a lifetime ban is appropriate for a first offense for doping, particularly doping in respect of steroids.

We have on the one hand the Canadian Track and Field Association which adopts and follows the policy of the IAAF which is for first offense a two-year suspension.

Then on the other hand, the Sport Canada policy, and I don't believe that we asked either you or Mr. Makosky when you were here in January to provide us



with the rationale for that policy which came into effect in 1985 and is fully enunciated in your letter of June the 9th, 1989 to Mr. Dupre, but I think it would be helpful for the Commissioner if you could take a moment to enunciate what is the thinking behind the lifetime ban for a first offense?

A. Well, I think in some respects it is very straightforward and that is that the lifetime penalty, which, as you know, can be appealed to the Federal Minister, that is the government penalty can be appealed to the Federal Minister, was intended to give I guess one could say the strongest possible signal to the sport community that doping, and particularly doping involving anabolic steroids which was, I think, always regarded as a premeditated conscious long term act not a one of inadvertent ingestion of a cold remedy or something, was simply a completely and totally unacceptable behaviour in sport struck at the most fundamental ethical principles of fair play, and that those who used banned substances should, therefore, for all practical purposes, be denied access to further competition of significance, that is, in their particular sport.

The government penalty, of course, doesn't directly address the matter of eligibility to compete. It





is not directly our affair, but, as you know from the June 9 -- the June letter to Paul Dupre, as far as international competition where representation of Canada is concerned, in effect the Federal penalty is virtually tantamount to withdrawing the eligibility to compete on representative Canadian teams. But in its simplest form, the belief was that doping and the use of steroids was simply not to be tolerated and the strongest possible signal was to be given.

THE COMMISSIONER: This was announced in 1985?

THE WITNESS: This is the 1985 iteration of the federal policy, that's correct.

MR. ARMSTRONG:

Q. All right. Then, Ms. Hoffman, turning to another issue and, again, completely unrelated to the last one --

A. If you are going to move on, Mr. Armstrong, if I would, perhaps having given the short response on the doping penalty, I think there is one other element that bears mentioning because it was part of the thinking at the time and remains so, and that is the concern that in discussions about doping often the only person who was ever discussed or whose interests or future



was considered was that of the athlete guilty of the infraction.

And I think that the severity of the Federal penalty was also intended to give a message to those athletes who were willing to play by the rules, and to try to provide some guarantee to those athletes to ensure that they would not be the victims of the doping activities of others and would, therefore, be denied titles, placings, opportunities to represent the country, to gain whatever material benefits might be available through achievements in sport and so on.

THE COMMISSIONER: Because the first group are being cheated that's the Canadians to begin with in a sense?

THE WITNESS: Canadians or whoever --  
Canadians or others --

THE COMMISSIONER: We start in Canada --

THE WITNESS: -- who made a decision not to use banned drugs.

THE COMMISSIONER: We start in Canada and those who have not taken drugs have been deprived of the opportunity of representing Canada?

THE WITNESS: That --

THE COMMISSIONER: Going on the same thrust the only penalty is against the athlete. Why shouldn't



the sports federations or their coach or other people share some responsibility or be subject of an inquiry.

THE WITNESS: I think we would agree that they should be.

5 THE COMMISSIONER: Because there is no -- the athlete is the one that's penalized and obviously must take responsibility, but probably a better way of -- one way of preventing the abuse of drugs is to put the Federation on the hot seat. And say if any of your  
10 athletes do this, we are going to look at you and perhaps penalize you. And you might have everybody looking over each other's shoulder because their own future is at stake.

15 THE WITNESS: I think first of all we agree completely that the means must be found to look at coaches and doctors and federations and so on. And I think that in the past, in fact, and this is in respect of weightlifting when the situation had reached a degree of severity and the incidents of doping was as prevalent as  
20 we then knew it to be even through positive tests and importations incidents and so on. In fact, we put the Canadian Weightlifting Federation on notice that their future as far as being an agency eligible for Federal funding is concerned was in jeopardy if measures weren't  
25 taken. So, I think --





THE COMMISSIONER: It strikes me, you know that with no disrespect to Sports Canada, that you are not in the field with the athletes on a daily basis.

THE WITNESS: That's correct.

5 THE COMMISSIONER: But the sports federations through their agencies, the coaches, and their staff, they are there, and they should be the first line of defence, if you like, to see that this doesn't happen. But unless you impose some duty on them, and some  
10 potential penalty, and some suggestion being made that the whole question of doping control be removed from them entirely, and put some independent agency or IOC or IAAF, we may be missing the most effective way of stopping it.

15 And if the whole Canadian Track and Field Association, Mr. Mach, for example as the overall coach, was aware that any athlete who was detected either random testing now or any other way is going to be disqualified, we are going to look to you, too, to say what did you do about this.

20 THE WITNESS: Well, I think we agree with that completely. And in fact in terms of some discussions that are going on with a federation at the moment, that is precisely the attack that's being taken, that a coach who has been directly responsible for the bulk of the national  
25 team in the sport in question is (a) responsible, and (b)



culpable if doping persists.

THE COMMISSIONER: If all the athletes in the group know that the funding for their training facilities may be in jeopardy if one of their colleagues  
5 lest him or her down, they may come forth and put an end to it themselves.

THE WITNESS: Well, I think we agree. I think we also have to be somewhat careful in a very large sport such as track and field about the assumptions we may  
10 make about how completely responsible the national body can be for every activity.

THE COMMISSIONER: I am not saying that -- it seems to me it would be instigating an inquiry of some sort as to what was done and what should have been done.

15 THE WITNESS: Well, I think that --

THE COMMISSIONER: You know --

THE WITNESS: -- we would welcome the suggestions as to the means as to how to go about putting in place those measures. We agree that individuals beyond  
20 the athlete must be dealt with.

THE COMMISSIONER: Go ahead, Mr. Armstrong.

MR. ARMSTRONG:

Q. All right. Then let me just ask a  
25 follow-up question by taking a hypothetical situation.



Let's take an 18, 19 year old athlete who perhaps for the first time becomes involved in anabolic steroids. Let's say you have a young woman who comes along, and she's a good sprinter, and her coach says to her "I think you should consider taking anabolic steroids if you are going to be in the top 8 in the world." And she's impressionable, and she wants to be in the top 8, and she makes that decision to take it, fully understanding that it is against the rules of sport, that it is unethical, that it is cheating, all of that, and accepts full responsibility for it, but, nevertheless, it is a first offense, by that I mean let's say fairly soon after she embarks on her steroid program she tests positively at a meet. Under the Sport Canada policy, I suspect that the Canadian Track and Field Association would say and indeed have said that that's too tough a policy for that individual and that circumstance, that she perhaps deserves another chance.

And I don't know whether you are in a position to be able to comment on that situation or not or whether in the formulation of the lifetime ban that an individual in that sort of situation was considered. There is of course are a whole range of possibilities and indeed we have seen a whole range of possibilities in this hearing where there have been, you know, years of planned





and deliberate taking of steroids to people who have in fact taken them only in one season?

5           A.    I think it is fair to say that precisely the circumstances of that kind of individual were taken into account and that's why the mechanism or the avenue of appeal to the Minister was included in the policy so that those sorts of mitigating circumstances could be reviewed.

10           And I think I should point out that that appeal to the Minister can be invoked at any time. In other words, the athlete in question or their Federation doesn't necessarily need to wait until the penalty imposed by the international federation in question has been completed. There is no time restriction on when the  
15           appeal mechanism can be pursued.

          So, if the Federation or the athlete really felt that there were circumstances that should be -- should be reviewed, then they have the opportunity to bring those circumstances forward if the circumstances  
20           are along the lines you have suggested.

          Q.    All right. Then let me move now to my next subject, and that is the subject of IOC accredited labs.

          We know in Canada that we have the  
25           laboratory at the INRS Sante in Montreal that's fully



accredited by the IOC Medical Commission. We did have the Foothills lab in Calgary that was fully accredited by the IOC Medical Commission, but at last inquiry, which would have been mid-August or early August, the Calgary lab was under some form of at least temporary suspension from being able to provide the full range of testing services at the -- at least at the international level.

Does Sport Canada have a policy which, I think putting it this way would be best, which favors testing being carried out only by IOC accredited labs?

A. Yes, we do. I am not sure if I would say the correct term is favour, but we have --

Q. Well, do you require it, then?

A. We require it.

Q. All right.

A. We simply say --

Q. I am sorry, I thought it was the moral suasion of the Government of Canada that required the Sports Medicine Council of Canada to deal only with IOC accredited labs, but --

A. We say the IOC is beyond morality. We have accepted the IOC's accreditation system and insist on it and would even go further. We would advise a Canadian athlete if they knew that a sample they were giving at a competition or in some other circumstance in another



country was to be analyzed at a non-IOC accredited lab, we would likely advise them to decline to provide a sample or to provide the sample but insist that it be analyzed in an accredited lab.

5                   Q.     Well, let me ask you this: There has indeed during the course of our Inquiry been a lot of discussion about what appears to be and it may well be perfectly -- it may well be perfectly reasonable, I don't know, but to the layman at least it sounds that it is  
10                   expensive to have all of these tests done at a unit price of \$400 approximately, although in fairness --

                  THE COMMISSIONER:     Dr. Dugal never accepted that.

                  MR. ARMSTRONG:

15                   Q.     -- in fairness to Dr. Dugal, as I was just about to say, he didn't accept that it was a unit price. But recognizing that it certainly isn't cheap, and recognizing that you now only at the moment at least have one IOC accredited lab in Canada and perhaps at the most  
20                   two, one would hope that Calgary will be back in business, would we not, and I am just asking the question, would we not be better off if you were able to throw out the testing program to tender to all of the laboratories in  
25                   Canada that may have the capacity to do this kind of testing and say, look, come forward, give us your plan,



show us that you are qualified to do this irrespective of an IOC accreditation, and give us your price and take the person who presumably, one, is best qualified but, two, has a competitive price?

5                   A.    Well, first of all in 1984, which was when we first made our initial arrangement with the Canadian lab, with the INRS Sante, we sought the advice of those who we thought would be able to assess what was required to do doping control analysis at the scope and  
10                   scale required by us.

                  And the executive director, therefore, of the Health Protection Branch of the Department of Health and Welfare and several of his staff undertook a review of the request that we had made to the INRS and the proposals  
15                   and costs received from that lab.

                  Their review of the situation, which entailed some consideration of options such as having a government lab set up the capacity to do this type of testing, engaging a private lab or accepting the INRS  
20                   proposal was that the INRS proposal made good sense from both a scientific and economic or cost standpoint.

                  And we accepted that. And, of course, it wasn't real a matter for discussion anyway as their -- we made the decision from a policy standpoint that is in  
25                   terms of our realization that we needed to be able to





assure everyone involved in the testing that the actual analytical capacity was as close to being beyond reproach as possible. That was our objective.

5 So, we wanted that assurance and we therefore felt IOC accredited labs were the only way to go. And for most of the period in question, there was only the one lab.

10 We might be better off from a price standpoint if more laboratories bid on the contract, but I think there is a question that has to be asked as to how many laboratories actually have to be in the competition before one would really expect the price to fall. And even at that, it assumes that the current monopoly has a premium attached to its cost that as a result of it being  
15 a monopoly.



THE COMMISSIONER: Well, it's much higher, it's much higher, if you're going to call it unit base, than the American price?

5 THE WITNESS: Well, that may be, but it could be, could very well be because of the volume of tests being done in the United States. Our -- the advice we ---

10 THE COMMISSIONER: I think we asked Dr. Dugal, and he wasn't able to provide it yet, what the price would be if the tests were doubled.

Didn't you ask him that?

MR. ARMSTRONG: I did, yes. I don't ---

15 THE COMMISSIONER: We haven't got the answer yet?

MR. ARMSTRONG: I'm not sure that I have the answer but I did get a letter the other day from him that's in my -- and I'd better just check that ---

THE COMMISSIONER: In your unread file.

20 MR. ARMSTRONG: In my in basket, but I may have that information.

THE WITNESS: But the other point I'd like to make is that we are extremely concerned about the custody and the security of the samples ---

25 THE COMMISSIONER: No, I understand, and at the moment you have complete confidence in the IOC



accredited labs ---

THE WITNESS: Well, or even just the idea of having any significant number of labs involved in this activity.

5 THE COMMISSIONER: Yes.

THE WITNESS: The other thing that is very important, and it was part of our decision to never respond in a, in a positive way to suggestions and propositions that were brought forward to us by private  
10 labs, even if we believed that they could do the analysis up to the current IOC standards -- which we didn't check out, by the way -- but even if we had reason to believe that, there are other functions that the lab performs related to, to research, and advice to us, advice to the  
15 Sport Medicine Council and so on, that we're not entirely sure --- I'm not saying we know for sure that we wouldn't get it, but we're not entirely sure that we would have the same ease in securing that kind of competence from a number of laboratories, had we chosen to go that route.

20 We wanted to have a situation where there was one designated point of contact where we could advise that lab that there is going to be a spate of samples arriving on such and such a date; for whatever reason, the results need to be turned around quickly.

25 We want a dedicated capacity to exist at





that lab. That means staff, equipment, communication channels, procedures, what have you, that's readily accessible to us.

And I think we're aware that in that regard  
5 we may be paying something of a premium.

Now, it's also fair to say that if in the next couple of years the numbers of tests that we want to have done in Canada dramatically increases, as it may well do, we're going to be looking for the best combination of  
10 price and service. But never at compromise to the scientific integrity or the security of the samples or the availability of a dedicated capacity. We have to have a dedicated capacity available.

We don't want to pay any more than we have  
15 to for it, of course.

Q. All right.

Well, I guess the starting point of what you said really is that the policy decision was made that you start with an IOC accredited lab and thereby, assuming  
20 that it has the capacity, as it has had so far, you thereby -- for most of the period of time you have been limiting the field to one, and then -- well, it's always been limited to one, because Calgary has never had the contract, has it? Other than its ---

25 A. It's, it's always been limited to one.



And I think that we didn't feel that we had the competence to get into the business of regulating and managing the activities of a laboratory.

5 And however much there may be the appearance of a closed shop operation or mentality within the IOC lab accreditation process, there are other dimensions which are very important.

10 The good laboratory practices policies of the IOC which require labs only to do testing or only to do analysis for dope testing where they know and are satisfied that the testing is part of the programme of a National Olympic Committee or a national sport federation, and where the results are going to be reported and proper sanctions levied and so on, all of the other measures that  
15 are part of this good laboratory practices documentation. We think that's very important.

20 There'd be, there'd be no reason or no way, other than our getting into the business of enforcing these kinds of measures and having all the apparatus required to do that enforcement, that we could impose and assume therefore that the same kinds of standards operated if we went to a number of non-accredited labs in Canada, be they public or private operations.

25 So obviously we're concerned about the price, but above all else there are some standards that,



that we feel have to be abided by.

Q. All right. Then one of the early documents that was presented by Sport Canada and filed as an exhibit in this inquiry was the Report of the Task  
5 Force on National Sport Policy, and it was marked as Exhibit 16.

THE COMMISSIONER: That's the June '88 report, is it?

MR. ARMSTRONG: August 1988.

10 THE COMMISSIONER: August, I'm sorry.

MR. ARMSTRONG: That's your copy.

THE COMMISSIONER: Thank you. I've read it.

15 MR. ARMSTRONG:

Q. This is the, colloquially referred to as the Task Force 2000, and I think we noted at the time, and we note again, that you and Mr. Makosky were the co-chairs of the Task Force.

20 And I thought it might be useful and appropriate to ask you some questions about the report, and in particular about the national goals for sport as are enunciated in this document, really against now the background of several weeks, if not months, of evidence  
25 that we have had in this inquiry.



And what might be helpful, Ms. Hoffman -- if we could just take a moment -- turn to page 30 of the Task Force report, and that sets out, beginning at page 30, The National Goals for Sport, and I believe there are eight  
5 separate goals which are enunciated. Each one is set out and then the long-term goal is defined and there are subgoals in each of the eight.

And if we could just take a minute to look at some of them. For example, if we look at the first  
10 goal related to the sport system in Canada, looking at the long-term goal, it is:

"To establish a coherent Canadian sport system for athlete development and participation based on sport specific models and systems in which all roles,  
15 responsibilities and linkages are clearly understood and accepted."

And I take it that the sport system in this context is taken at a whole, that we're not just zeroing  
20 in on a particular segment of the sport community?

A. That's right. In fact, I mean, the maybe seemingly awkward wording notwithstanding, what we're talking about here, or what the objective was, was to speak of having a comprehensive system within which all  
25 of sport activity in Canada would in some way be





coordinated and integrated ---

THE COMMISSIONER: Well, I read that. Your department is Fitness in Sport, isn't it?

THE WITNESS: The branch of government is Fitness in Amateur Sport, yes.

THE COMMISSIONER: Well, I would think fitness would be participation, but when we're talking about sport, you're really talking about competition, aren't you?

THE WITNESS: Talking about competition, but talking about competition at virtually every level and talking about also programmes that have to do with teaching skills so that an individual can participate in competition at whatever their chosen level happens to be.

But, yes, that's correct, we're talking about competitive sport. But not necessarily strictly elite or high performance or international competitive sport. We could be talking about sandlot softball, for that matter.

We're really talking about competition that has some kind of organizational structure around it.

THE COMMISSIONER: I see. Go ahead.

MR. ARMSTRONG:

Q. Then one of the goals does deal



specifically with high performance sport, and that's the second goal that we see at page 35, and then at page 36 the long-term goal is enunciated.

Perhaps it would be useful, just -- I'm  
5 sorry -- to read what is said in the report at page 35 under High Performance Sport, The Context:

"Canadian results at the highest level of international sport have improved significantly over the past quadrennial.  
10 Through the process of Quadrennial Planning within each of the National Sports Organizations, the beginnings of a high performance system for each sport have been developed. Given that the quality of the  
15 high performance results within a sport is a product of the quality of the athlete and the system, it is important to continue that sport specific...development into the next quadrennial."

20 "Within each NSO, primary leadership for athlete development must come from technical leaders within the sport."

And so on.

25 I take it from the context as described here



that -- and the use of the words 'quadrennial planning' -- that high performance sport really means sport at the level of international competition such as the Olympic Games and other major games?

5                   A.    That's correct.

                  Q.    All right.

                  And then if we look at the next page, page 36, the long-term goal is defined:

10                   "To develop a Canadian sports system which will provide opportunities to enable athletes with talent and dedication to win at the highest level of international competition."

15                   "Achievement of the following performance levels indicates successful progress toward the attainment of the above goal",

20                   and then you set out in the following subparagraphs what might be an indication of successful progress at the high performance level, and in (a)

25                   "To have Canada place among the three leading western sporting nations (with West Germany and the USA) and to rank among the top 6-8 nations overall (assuming that





the USSR, GDR, China, Romania and Poland are the leading Eastern block nations in the 1992 ... Games in Barcelona."

"b) To place among the top 6 nations in the 1992 Winter Olympic Games ..."

"c) To have Canadian athletes win medals in 18 of 28 summer Olympic sports and 6 of 10 winter Olympic sports in 1992."

"d) To place first as a nation in the 1990 Commonwealth Games."

"e) To maintain Canada's current world ranking in non-Olympic sports and disabled sports."

f) To develop performance objectives for major non-Olympic events on a sport-by-sport basis."

THE COMMISSIONER: All right. We'll leave that for a moment and we'll take a break now.

MR. ARMSTRONG: All right.

--- Short recess.

--- Upon resuming:



THE COMMISSIONER: Mr. Armstrong?

MR. ARMSTRONG: Thank you, Mr.

Commissioner.

5

MR. ARMSTRONG:

10

Q. Before the recess, Ms. Hoffman, I was reading into the record the number 2 goal in relation to high performance sport in the Task Force 2000 report, and then in particular I read those indicators suggesting that Canada should occupy certain placings in the current quadrennial.

15

And if those are goals or objects or even indicators, as they are described there, of where Canada should be, a critic of this report and a critic of a Canadian government that might adopt this report as an appropriate plan to follow, may say Sport Canada in its objectives is oriented towards a sports system that's going to produce winners, and that it represents perhaps a win-at-all-costs attitude.

20

And I don't know whether that would be a fair criticism or not, but since you are one of the co-chairs of the Task Force and therefore one of the individuals responsible for the production of this report, I ask you that question, as to how you view the position of high performance sport and the achievement of those

25



particular goals or indicators?

A. Well, let me say, first of all, that this is not a statement of government policy.

This is a report that was drafted by a group comprised of both government and non-governmental experts and representatives of sport, and has been submitted to the government. So it's not at this stage government, government policy.

I think it's also fair to say that while there was debate within the group on the -- representatives on the actual Task Force about various aspects of this goal, it did ultimately represent a consensus of the views that were at the table at the time.

I guess I should also further state that while this is the second goal stated in the National Goals section of the Task Force report, there are seven other goals and they pertain to various aspects of a total sports system in Canada, and I'm mentioning that because many observers either found the text too dense and didn't get past page 36, or only ever read page 36, or for whatever reasons, had assumed this entire report is about high performance sport and a kind of medal-crazed view that the authors of the report might have had, or at least that's the allegation.

So I am happy to explain and comment on this



particular goal.

And I think what we were trying to say is that Canada is a country with a sufficiently well developed economy, a sufficiently well developed sport system, a very wide interest and long-standing extensive participation in sport at many levels, and that there is no reason, given the fact that there are large numbers of athletes out there in Canada with talent and ambition and interest, and others who support the endeavours of those athletes, that there is no reason why we shouldn't, when one rolls up all of the results of various particular sports that are on the programmes and the Games and events that are mentioned here, there is no reason why we shouldn't be able to perform at this level.

And, in fact, one could even take the perspective, as we did on the Task Force, that we owe it to the Canadian athlete population to put in place the elements of a system: coaching, training, competitive opportunities, financial support, sport scientific and medical services, direct financial aid to athletes and so on.

We owe it to the athlete population as a society to provide that kind of support infrastructure such that these reports are possible. Not that they are the outcome of some drive to international performance and





a national standing that only a very few governmental authorities or whomever -- this is not intended to be the product of some drive of a few.

5 It's to be representative of what we believe to be attainable goals, given the nature of our system if it were properly embellished and further developed as we outlined in this and other sections of the report.

10 And I think we tended to ask ourselves -- say, for example, in respect of the indicator to place in the top six nations at the Winter Olympics in 1992 in Albertville -- I think our approach is why shouldn't we be, as a nation, in the top six in the Winter Olympic Games.

15 We have a strong tradition of success and huge participation in sports like skiing and figure skating and speed skating and hockey; we're a winter country, we have a diverse climate, topography, geography and so on. We belong there. And we have athletes who are capable of performing at that level.

20 And we have a responsibility to them, to provide them with the opportunity to excel at that level if they so wish.

25 If we, as it might turn out, don't have the athletes at a particular time who are interested in that level of competition, then so be it. But the system will



be there if athletes wish to, to aspire to that, to that level.

And I think -- we wrote this goal and looked at these specific indicators in early 1987, and I think our feeling at the time was that, yes, they were ambitious, but not completely unreasonable.

THE COMMISSIONER: Well, I assume at the time of writing this that you were also assuming that there is a level playing field to achieve these standards, to make this achievement?

THE WITNESS: Either assumed there was a level playing field or said we would only be interested in meeting these goals in an environment created by a level playing field. I don't think we were ---

THE COMMISSIONER: Well, how are you going to achieve that?

THE WITNESS: Well, I suppose ---

THE COMMISSIONER: If you want to be top six or eight nation overall in the Summer Olympics?

THE WITNESS: I think that at the time we were working on this ---

THE COMMISSIONER: This was, this was '87?

THE WITNESS: '87.

THE COMMISSIONER: All right.

THE WITNESS: At the time we were working



on this report I think we knew, as we know now, that there are aspects of international sport, indeed aspects of Canadian sport, that aren't indicative or characteristic of a level playing field.

5                   But I don't think we thought it wise to take the approach that we will work only to accomplishing the level playing field, and after that we will put the other elements of a system in place.

10                   And there are some parts of this report that do talk about fair play and the ethical dimension of sport ---

                  THE COMMISSIONER:   How does one measure this achievement? Is this medals or points? What does this mean?

15                   THE WITNESS:    The prime indicator that we have used -- and I'm talking now primarily of the government, but also in the calculations of the Task Force --- had to do with top eight placings and points awarded for top eight placings.

20                   THE COMMISSIONER:   You'd get so many points for first, so many points for second, so many points for third?

                  THE WITNESS:    Down to eighth place, that's correct.

25                   THE COMMISSIONER:   And how did Canada do in





the 1988 Olympics?

THE WITNESS: In 1988 we were 15th on points and that was, I guess it's fair to say, a contrast with 1976 where we had been tenth at the Games in Montreal.

And I think that it's probably fair to say that at the time these indicators were written, that the expectation was that the Canadian team overall would in fact do slightly better in Seoul than -- in the Olympics in 1988 than ultimately turned out to be the case.

THE COMMISSIONER: But the, this goal --- and I understand it's a goal -- is it not premised that, assuming that our Canadian athletes are, are competing in traditional sport, that the countries that we're competing against will also be doing that? Otherwise you're not going to achieve this, are ---

THE WITNESS: I'm sorry, sir, I didn't ---

THE COMMISSIONER: You're not going to achieve this six to eight if other countries are not playing according to the rules?

THE WITNESS: That's correct.

I mean, I think it's fair to say -- and I should say that these are not explicit goals. These were, as we have stated here, statements that in effect said, if we're making progress towards the main goal, which is



having a system in place that, that supports those that have the talent and interest in trying to excel at the highest level of international sport, these are indicators ---

5                   THE COMMISSIONER:   Well, suppose, suppose we have the interest of our young Canadian athletes and they are doing the very best they can and they are our best.

                  THE WITNESS:    Mm-hm.

10                  THE COMMISSIONER:   But they are not going to win a medal.  Where is the place for them in international competition?  Or is there?

                  THE WITNESS:    There is a huge place for them, as evidenced by the numbers of sports in which we  
15 compete.

                  We're one of the few countries in the entire world of international sport that enters virtually every sport at the Olympic Games ---

                  THE COMMISSIONER:   I see.

20                  THE WITNESS:    --- winter and summer.  We have, as I think you've heard from Roger Jackson, one of the largest Olympic teams.

                  THE COMMISSIONER:   Yes.

                  THE WITNESS:    We set at our standard of  
25 entry or access to representation on the Olympic team a



prospect of finishing in the top 16.

And as you also know, the actual applications of those standards goes far beyond that, so that only 45 percent of the team actually reaches that level of performance in the Games. We're notorious, almost, I think, in the world of sport, for being at almost everything, for having representation, in virtually every major event ---

THE COMMISSIONER: Well, I'm not sure the word 'notorious' is the right one.

THE WITNESS: Well, I think the world of sport is divided. There are other countries, in western Europe in particular, who have adopted the same approach as Canada, and there are other countries, primarily in eastern Europe, who are far more ---

THE COMMISSIONER: Selective?

THE WITNESS: Selective.

But even those in western Europe -- Holland, for example, goes to the Winter Olympics and wins six medals and only competes in one sport. We competed in Calgary in everything.

THE COMMISSIONER: But the level of achievement or attainment of goals is dependent on this point system, not just the medals, is that correct?

THE WITNESS: That's correct.



THE COMMISSIONER: Go ahead, Mr. Armstrong.

THE WITNESS: But Mr. Commissioner, just to be fair, to point out, in indicator (c) -- that's in the top of the second column on page 36 ---

5 THE COMMISSIONER: Yes.

THE WITNESS: We did say that it's not ---

THE COMMISSIONER: Those are medals there?

10 THE WITNESS: Those are medals, and I think the approach there was to say, look, in 18 sports in Canada, on the summer Olympic programme, our programming is sufficiently well developed that it's not unreasonable to think that we could have an individual in each of those ---

THE COMMISSIONER: 18 out of 28 ---

15 THE WITNESS: --- who would be capable of winning a medal.

20 But that's independent -- that's simply to say that we could be genuinely world class in 18 of the 29 -- there actually would be 29 sports on the programme in Barcelona in 1992.

I think today we would probably say that goal is unrealistic, given what we know about, about Canadian performances at the present time. But we're not perturbed or disturbed by that particularly.

25 THE COMMISSIONER: I understand. All





right. Go ahead, Mr. Armstrong.

MR. ARMSTRONG:

Q. Just so that we have it, Ms. Hoffman, I  
5 realize that 1984 in Los Angeles has to have an asterisk  
beside it, but where did we measure up in terms of points  
at the 1984 Games?

A. We were fourth in, in Los Angeles.

Q. Okay. Then ---

10 A. Based on points.

THE COMMISSIONER: I understand.

MR. ARMSTRONG:

Q. Then let's take the, the same system in  
15 respect of the winter Olympics so that we have it starting  
in --- is it Sarajevo in -- no -- where were the winter  
Olympics ---

A. In 1984 the ---

Q. --- No, in '76, do you have it off the  
20 top ---

A. Innsbruck, I think.

Q. Yes. And do you know where we  
stood ---

A. I don't know exactly, but we have been  
25 consistently ten, 11, 12, at winter Olympics for some --



for quite some time.

And I should point out in the winter Olympics with a much, much smaller programme. 45 or 46 events in Calgary, 56 or 7 events in Albertville.

5                   There is a very small point differential between Canada in 10th, 11th, 12th place, and Austria or Norway or whoever it might have been, in 6th, 7th or 8th place.

10                   In other words, we wouldn't need to make phenomenal advances in order to go from 11th in Calgary to 6th in Albertville and, in fact, with the addition of freestyle skiing and short track speed skating, this particular indicator, finishing 6th as a nation in Albertville is very much within reach.

15                   Q.    All right. And I take it then that in Calgary ---

A.    We were 11th.

Q.    On your point system we were 11th?

A.    Yes.

20                   Q.    All right.

Then, I wanted to ask you some questions about the Sport Canada Policy on Drug Use and Doping Control that was marked as Exhibit 37, that is, the update. The update was 1985, was it?

25                   A.    Yes, that's correct.



Q. And the earlier policy ---

THE COMMISSIONER: What exhibit is that?  
That's the one I want, that Ms. Hoffman has. What  
exhibit?

MR. ARMSTRONG: 37.

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20

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MR. ARMSTRONG: Thirty-seven.

THE REGISTRAR: Thirty-seven.

THE COMMISSIONER: Okay. Thank you.

That's what I want.

5 MR. ARMSTRONG: Yes. I will just wait for  
a moment.

THE COMMISSIONER: Go ahead, Mr. Armstrong.

MR. ARMSTRONG:

10 Q. All right. Could I take you to that  
portion of the policy under the title Obligations of  
Athletes and National Sport Organizations, and you say  
that all national sport organizations will be required to  
develop a plan for their sport to eradicate improper drug  
15 use by Canadian athletes and support personnel. The plan  
must include the following items, and (a) is a statement  
of the organization's policy, et cetera; (b) an  
operational plan for regular testing of Canadian athletes  
at major competitions and during training periods with a  
20 view to eliminating the use of anabolics and related  
compounds and the use of other substances on the list of  
banned drugs at or near the time of competition.

Now, the words "regular testing at major  
competitions", of course, we fully understand. "During  
25 training periods", what did you intend by those words?



A. At the time when this policy was --  
this version of the policy was put in place --

THE COMMISSIONER: Was that in the '83  
statement as well?

5 THE WITNESS: Well, it -- in this version,  
in the 1985 version.

THE COMMISSIONER: Yes.

THE WITNESS: I will just find the  
corresponding section --

10 THE COMMISSIONER: In the '83.

THE WITNESS: -- in the '83 version. The  
wording is virtually --

THE COMMISSIONER: Pretty well the same.

15 THE WITNESS: -- virtually the same except  
that the unfortunate typo is not in the earlier version.  
It is supposed to say and "during training periods" --

THE COMMISSIONER: I understand that, it  
says "during drug training". I checked that --

20 THE WITNESS: This was not an intended  
revision. In any event, we used --

MR. ARMSTRONG:

Q. Whose Freudian slip was that?

A. The printer, I am sure.

25 THE COMMISSIONER: Well, it was there



originally, was it?

THE WITNESS: It was. It was in the original. They are virtually the same wording --

THE COMMISSIONER: So, I gather in '83 you  
5 were already requiring random --

THE WITNESS: We knew --

THE COMMISSIONER: You knew by that time that competition -- testing at competition was really not effective enough?

10 THE WITNESS: I wouldn't say our perception of competition testing and its relative value was as extreme or profound let's say in 1983 or even in 1985 as it is today, but we certainly knew to a degree in 1983 and to a more significant degree in 1985 that testing only at  
15 competition was not going to ferret out and detect doping.

THE COMMISSIONER: All right.

20 THE WITNESS: What in effect we were doing in both of these policies was laying the ground work and having, by including in the policy a provision for testing what is now known as either no-notice testing or out-of-competition testing, at this point in time, '83 and 1985, the terminology was during "during training periods".

25 THE COMMISSIONER: During training periods.



MR. ARMSTRONG:

Q. By that, as you have indicated, you intended that national sport organizations include out-of-competition testing as part of their program?

5

A. We wanted to have the capacity in the case of those sports where drugs other than the so-called "race day drugs" might be used, we wanted to have the capacity to ensure that out-of-competition testing would be planned.

10

THE COMMISSIONER: That is why you refer to this, to anabolics particularly.

THE WITNESS: That's right.

THE COMMISSIONER: Thank you.

15

MR. ARMSTRONG:

20

Q. Now, the Canadian Track and Field Association we have heard that since I believe 1982 they had a provision in their policy which would include an out-of-competition testing component, and we know that from 1982 to 1986 there was a further development and refinement of their policy --

THE COMMISSIONER: On paper.

MR. ARMSTRONG:

25

Q. -- in respect of out-of-competition





testing on paper, and then we know in 1986 that they referred their whole program back to committee for further consideration.

Now, recognizing that Sport Canada really became the leader in policy formulation, at least, in 1983, and indeed included an out-of-competition testing component for 1983 forward, did it not occur to you as Director General and Sport Canada itself to say, we really should be rolling up our sleeves here and just insisting that these sporting organizations get on with out-of-competition testing, recognizing as you must have by at least '85 or '86, that for anabolic steroids out-of-competition testing was the only effective deterrent?

A. Well, I would say that we recognized it before '85 or '86. In fact, there was out-of-competition testing and particularly in line with the specific verbiage in this section done prior to the Los Angeles Olympics in the sport of weightlifting and there were, in fact, athletes detected with positive test results prior to Los Angeles who were withdrawn from the team.

THE COMMISSIONER: As far as I am aware, weightlifting is the only federation which had introduced a random testing policy until very recently.

THE WITNESS: Certainly the only sport that



actually implemented --

THE COMMISSIONER: That's right.

THE WITNESS: -- an out-of-competition  
testing program until recently, that's correct. And I  
5 think that we were faced with the choices having taken the  
course of action that we decided on through these past  
five years since the original promulgation of the  
anti-doping policy in 1983, we took the approach that  
policy and to large degree the procedures should be  
10 developed and managed with some support from others, but  
to a significant degree by the individual sport bodies.

And while we are aware of the, I guess,  
considerable volume one would call it of debate and  
procedural contemplation and so on that the Canadian Track  
15 and Field Association undertook in the course of refining  
their out-of-competition testing program, we were not of  
the view that it was appropriate for us at that point in  
time to just march into the Canadian Track and Field  
Association and say you must start out-of-competition  
20 testing tomorrow regardless of what your athletes think,  
regardless of what your Board thinks, regardless of  
whether the mechanisms and means to put in place such a  
program were really full available in Canada.

I think it was agreed that such a program  
25 was necessary and, yes, we were concerned that such a



program wasn't yet in effect. But there were at least some quite legitimate concerns being raised by parties whose eventual co-operation in the entire matter was required.

5                   And at the other extreme, there were people -- I mean it wasn't just that there were some people throwing up procedural concerns that we had to deal with. There were people involved in various sports who had had the opinion right from day one, from 1983, and may  
10 even in fact still have that opinion today, I don't know, who basically said, look, if the government of Canada thinks there is a problem with doping, let them deal with it, it is not our problem, we are not interested. And some of these people sat on decision-making boards of the  
15 organizations with whom we were trying to work.

Q. But from 1983 on, though, Ms. Hoffman, the policy was clear in that you said thou shalt have a doping control program and a plan, and shall have these elements, and you shall have out-of-competition testing.

20                   So, you were in the position I assume in sitting down with them to discuss their budgetary requirements each year to say, look, we don't like your doping control program, or we don't like the fact that you failed to implement a doping control program that contains  
25 an out-of-competition testing clause or testing procedure?





5           A.     We were in a position to do so, and we  
did so, but bear in mind that part of the environment here  
were organizations who frequently failed even to deliver  
on the competition testing that had been planned, about  
10       whom we would receive reports through the Sport Medicine  
Council that testing at such and such a competition did  
not occur, or that testing occurred but only half of the  
numbers of tests that had originally been scheduled  
actually took place, or that the bottles arrived at the  
15       lab improperly sealed, or with the athlete's name written  
in felt pen on the bottle.

          I am not inferring by the way to any  
particular sport here, but that was -- I mean we were  
struggling, we collectively I am talking about now, the  
15       total sport system, to give full effect to an  
in-competition testing program where we could say with  
complete honesty and satisfaction to athletes and everyone  
else involved in the system that these results are beyond  
challenge, are beyond reproach in every regard.

20           Q.     Well, going back to the leadership of  
Sport Canada in the formulation of the policy and in the  
insisting on implementation of the policy, let me just put  
this to you: You had the Alexis Paul MacDonald case in  
the early eighties in track and field. Then in '85 you  
25       had the Willers case. In '86 you had Dajia, Gray --



THE COMMISSIONER: Spiritoso.

MR. ARMSTRONG:

Q. -- and Spiritoso. Then from '87 on  
there are clearly a lot of rumours circulating about Ben  
5 Johnson, there is your own observations about McKoy, there  
are the rumors I suggested to you circulating about the  
Mazda group, but, in fairness to you, you said you weren't  
necessarily privy to rumours about the Mazda group, but  
there was Charlie Francis and his coterie. And as I think  
10 I suggested to one other witness, there was a lot of smoke  
under which we now know there was a fire raging.

And I suggest to you as the senior partner,  
as it were, in the development and implementation of  
doping policy, did it not occur to you and other members  
15 of Sport Canada that we have a crisis in track and field  
that has to be dealt with, and we are going to wield the  
big stick to say to track and field, you, ladies and  
gentlemen, must do something about this. And did your  
thinking ever get to that point?

20 A. Well, in hindsight we can compress all  
that evidence and say that looks like a lot of smoke and  
obviously there was fire and where were the folks who  
should have had the fire extinguisher.

But I didn't draw the implication that you  
25 just have from Mark McKoy's physical appearance when I saw



him compete. We weren't aware of the controversy and the discussions that were going on within the CTFA.

However, having all of that, notwithstanding, you know, how much evidence did we have or how much didn't we have, at least by 1986 we were completely convinced that track and field should have an out-of-competition testing program. And we were as concerned as anyone when the board of track and field decided in the fall of 1986 that they wanted to send the proposal that had been brought forward to the Board by staff for out-of-competition testing, that the Board decided they wanted to turn that proposal back to committee for review of -- well, as I gather it, a great many aspects of that -- of that policy.

I think the issue was that we didn't feel at that time that we had the right to simply go to track and field and say never mind all these procedural concerns, get your out-of-competition testing program in place next month.

But I think that I also make that comment acknowledging that it was not our opinion based on what we had seen in terms of board review of that out-of-competition testing proposal, it wasn't our impression that it would take some two years plus to get an out-of-competition testing program in place.



Our impression is that there were concerns, some of them were legitimate, some of them we didn't regard as significant matters or certainly not matters that needed great debate or become reason for delay, we  
5 felt it quite likely that if the program weren't approved and accepted in the fall of '86, in all likelihood it would be accepted and implemented by the spring of 1987, and that there could, therefore, be a proper out-of-competition testing program in place in the fall of  
10 1987, assuming that there wouldn't be a major out-of-competition testing program operating during the competitive season in the summer of '87.

Q. Well, of course, we know that it wasn't implemented by the fall of 1987 and, indeed, was not  
15 implemented until late fall of 1988. And I take it that your mindset remained the same up to and through the Seoul Olympics that you weren't going to wield the big stick, that you were going to let the events follow the course that they appeared to be taking, that is the Canadian  
20 Track and Field Association would continue its debate and continue its reference to committee and so on, and when it was in a position to implement it, then that would be acceptable to Sport Canada, is that it?

A. Well, I suppose marginally acceptable.  
25 I think that part of the difficulty we were in had been





our choice of vehicle in the first place with which to have testing done.

I think once we had gone down the road of putting a very large onus on individual sport bodies to develop policies and to review and those -- there were a number of organizations, obviously, who took the review of these matters very seriously as they have done, but once we set down the road of having each individual sport body involved deal with all of these complicated matters, we were sort of stuck with that path.

As a result, as early or you might say as late as September 1987, there was a meeting of representatives from the sports who were the most concerned with the doping problem: weightlifting, cycling, and track and field with a representative from Sport Canada the Sport Medicine Council, to discuss whether or not we really should change horses in midstream, so to speak, and approach the matter of testing through alternate means, that is by having someone other than the individual sport body take a much larger responsibility for the administration of doping controls.

But we -- we were in to a degree a sort of vicious circle of having committed ourselves to a certain process, a certain mechanism, for having testing done. And I suppose your earlier comment is generally correct.



We weren't prepared to wield the big stick, but I mean we could have wield the big stick and said you have to do out-of-competition testing, but that wouldn't have made the means or the process emerge overnight.

5 Q. Well --

A. I mean, we would -- we would have had to provide the means and the process, I believe, in retrospect if we were to have said there is enough to be concerned about here, we have got to get this  
10 out-of-competition testing program started immediately.

Q. I suppose you are right it may not have emerged overnight, but faced with the prospect of maybe taking a little of their money away from them, it might have moved events somewhat more quickly?

15 A. It may have done. I think the other thing which we now know a little bit more about than we did at the time and that was that I think at that stage when they were discussions about out-of-competition testing, we were really talking about the need for testing  
20 during that -- in the case of track and field, at least, in that major chunk of time, which is the prime training only period in the year, the sort of mid-September to early December time period. And there was a degree to which I remember feeling myself that once we had so to  
25 speak missed the fall of 1987, that it was sort of almost



too late for the competitive year of 1988, that there would be competitions during the winter of '87, there would obviously be a huge number of competitions in the summer of '88, and those athletes about whom there might have been some reason to be concerned would be tested in those competitions.

I think what we have all come to know now is that out-of-competition doping that's an aid to training is even occurring right in the middle of the main competition season. But that's knowledge that we now have about the very short clearance time of some of the drugs in question, and I think it is fair to say that we were not aware of the very abbreviated clearance times.

THE COMMISSIONER: Were you monitoring what was going on throughout the rest of the world at that time, because I don't think even IAAF were insisting on random testing in those days?

THE WITNESS: The IAAF passed some rules related to out-of-competition testing at the congress in Rome in '87.

THE COMMISSIONER: In '87, not before '87, but nothing was done about it.

THE WITNESS: But there wasn't an awful lot of muscle behind that as you know, sir, but --

THE COMMISSIONER: On the international





scene was Canada about the first in '83 to sort of lay down at least an objective for random testing; are you aware of that?

THE WITNESS: Not the first. Certainly as  
5 you heard from Dr. Ljungqvist --

THE COMMISSIONER: The Nordic, yes.

THE WITNESS: We -- the Scandinavian  
countries --

THE COMMISSIONER: Were first.

10 THE WITNESS: -- had been involved for  
awhile, and we knew there were some tentative efforts in  
other countries. We knew there was a little bit happening  
in Great Britain but -- for example, but we weren't  
concerned with being first or last or in the middle. We  
15 knew enough by then to be aware that if we were going to  
deal with doping among our own athletes, we had to have an  
out-of-competition testing program.

THE COMMISSIONER: Thank you.

20 THE WITNESS: I mean, there were other  
initiatives happening in the international domain by  
Canada as going back at least to the fall of 1986, but, we  
weren't concerned -- there were others expressed concerns.  
I can recall in a number of sports individuals were quoted  
as saying that they didn't think they should do any more  
25 than what the international Federation required them to



do. That was not our view.

Canadian athletes, I think, particularly in track and field, were very concerned about doing more than their counterparts in other countries might be exposed to, but that was not -- I mean we tried to advance the argument that the fact that others may be cheating is hardly a rationalization for us to encourage it or to allow it to happen.

MR. ARMSTRONG:

Q. Now, I am going to move to another topic. At our request as Commission counsel, you have, with the assistance of Mr. Ole Sorensen and your staff, prepared a discussion paper which attempts to provide a model for an independent anti-doping testing authority.

And I propose, first of all, before asking Ms. Hoffman some questions about this, Mr. Commissioner, to file it as the next exhibit, the paper.

THE COMMISSIONER: Thank you.

THE REGISTRAR: 291, Commissioner.

THE COMMISSIONER: Thank you.

--- EXHIBIT NO. 291: Document entitled "A National Anti-doping Testing Authority for Canada"



MR. ARMSTRONG:

Q. I think perhaps the first matter to be noted in respect of this paper is the caveat that appears on the fourth paragraph on the first page that this material should not be considered as the preferred scale option or plan of the Federal Government and, indeed, as already indicated, Ms. Hoffman, it really has been prepared at our express request, us taking advantage of the information and expertise that resides within Sport Canada knowing that you would be here today.

Now, your paper is divided into two parts, the A part being Background Considerations and Roles, the B part being Program Elements and Budget for a National Anti-doping Testing Authority for Canada.

And in the Background Considerations, you have posed a number of questions. Without inviting you to read every word of what you say in answer to the questions that you pose, I think it would be useful, Ms. Hoffman, if you might take us through some of these considerations of what might be involved in at least supporting the concept of their being established in Canada an independent national anti-doping testing authority?

A. Well, would you -- I could provide just a few comments about the rational --

Q. Yes, if you would.



A. -- that might lead to the formulation of such an entity.

First of all, obviously we dealt in the past, as I have just indicated, with a number of  
5 organizations who all have had a piece of the administration and management and co-ordination of doping controls. And I think we are all aware now of some of the shortfalls of that particular procedure, whether it is a  
10 problem of lack of resources, or lack of expertise, or lack of desire, or duplication of effort among many bodies doing essentially the same thing, or whether it is perhaps lack of overall leadership. But the point remains that having the matter of testing divided up among a lot of  
15 organizations I think one could conclude that that's just not satisfactory in a matter such as doping, even though I think as I pointed out, it conforms with a traditional way of doing business in Canadian sport.

In any event, I think it is fair to say that what would be needed now is a set up that would ensure  
20 that the right sports are selected for testing, that the right profile of athletes within a particular sport are tested, that there is a high enough probability among those athletes who either are currently using banned substances, or who might be tempted to do so, high enough  
25 probability of being tested that athletes would be





deterred from either initiating drug use or continuing drug use, and that the health of all of those involved in sport would also be protected and that there would protection of procedural rights of everyone involved as well. No conflicts of interest, and the capacity to act quickly either in in terms of developing a new policy or in implementing actual tests on athletes.

So, I think the backdrop is in some respects quite straightforward. This approach would entail a consolidation of responsibilities for dope testing in Canada.

I think that there is thought that is required as well on the matter of whether there should ever be more than one agency in Canada actually doing testing. And I think that as we have heard in this Inquiry, while there appears to be doping in sport at many levels of the system, I think a view that needs serious consideration is the fact that dope testing is a complicated matter, and regardless of the jurisdiction, let's call it, to which athletes at various levels in in the system might belong, I think our thought at this point would be that only one authority or one organization, whatever it might be called, should be in power to do dope testing in Canada, and that that organization should collaborate with other jurisdictions to serve the testing needs, if there are any



of those other jurisdictions, but that only one organization should be involved with testing.

I think we are tabling as well the notion that while the sport organizations, the national sport organizations, in particular, who have had large responsibilities for the actual administration of dope testing in the past would no longer have that particular responsibility under this approach, they would still need to be very actively involved in the whole process. They are still the ones after all, Mr. Commissioner, I think as you said, who are in the field. They are the ones who should know what their own athletes are doing and where the vulnerabilities are, where the danger spots are, where the smoke is. And they must work in very close collaboration with an authority such as this to identify the pool of athletes on whom testing should be done. But they should not have the final say, at least not according to this approach, as to who would be tested and under what circumstances.

So, that's the background. And in Section four on page 3 there are outlined the likely main roles and functions of such an agency, but in sum, it would take responsibility for all of the major aspects of the dope testing program, ranging from assessing the needs for testing, to executing and monitoring the contract with the



laboratory, determining who is to be tested, receiving the  
plans of the sport bodies for testing commenting on them,  
refurbishing them, revising them as appropriate training  
and deploying the doping control officers, developing and  
5 maintaining the standard operating procedures.

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Pulling together an advisory committee.  
Doing testing that might be required as part of  
international agreements, either through the IOC or  
international sport federations or bilateral agreements  
5 Canada might have with other countries.

Expediting research, collaborating with all  
the parties potentially involved in testing.

Administering the testing at the Canada  
Games.

10 Monitoring the scope of the problem in  
Canada.

And finally, undertaking investigations of  
Canadian doping interests to determine what other parties  
may be involved, what the pattern of supply and  
15 distribution of, of banned substances in Canada is and so  
on.

So those are the sorts of functions that  
could be attributed to such, such an authority.

Q. Could I just ask you to pause there for  
20 a moment.

Your concluding sentence to question 4,  
"What would be the primary roles of a national testing  
authority?", is the following sentence:

"The testing authority would report to  
25 its Advisory Committee, and would ultimately



be accountable to the federal government for its activities."

Now, what would you foresee as being the appropriate make-up of a, of the Advisory Committee?

5 Who are the kinds of people that should be on that committee?

A. I think they need to be people who are familiar enough with various aspects of doping in sport and dope testing that they can advise the staff of this outfit as to who should be tested and through what procedures.

10 So I think they would need, therefore, to be a combination of people from key sport organizations where doping is known to be a problem -- that is, people who are close to the ground in sport and who have some sense, therefore, of where doping is occurring in Canada.

15 There would need to be people who have a scientific or medical perspective ---

THE COMMISSIONER: Well, I think your outline on page 6 -- is that the group, the Advisory Board? Is that the same group we're talking about? Page 6?

20 THE WITNESS: Yes, that's correct. In item (b) at the top of the page.

25 THE COMMISSIONER: All right.



MR. ARMSTRONG:

Q. Okay.

A. But I want to emphasize that I think  
it's not entirely a matter for people who are familiar  
just with the scientific or analytical or medical side of  
things.

THE COMMISSIONER: No.

THE WITNESS: This is a policy matter as  
much as it is a scientific or medical affair.

MR. ARMSTRONG:

Q. All right. And obviously, I think  
we've learned here, that as knowledgeable as the sport  
scientists and doctors are about the medical and  
scientific aspects of particular drugs and what the  
effects may or may not be on athletes, the people who  
really know who are using the drugs, under what  
circumstances, and why they are using the drugs, really  
are people, as you put it, who are going to have their  
feet on the ground dealing firsthand with athletes?

A. That's correct.

Q. All right.

Your next question, by way of background, is  
"What would the functions of the federal government be if  
an authority responsible for testing were created?"



And you go on to say:

"The government would likely be responsible for the following broad functions:".

5                   Would you just summarize that for us? We can, all, of course, at our leisure read through this list, but you might just take a moment here to put it in context for us.

10                   A.    Part of what's suggested here basically is that the prime responsibility for testing be turned over to this newly .... formed organization, but that the government would remain very actively involved in other aspects of anti-doping and the anti-doping campaign in Canada.

15                   You can, I think, read the items, but that's what in effect it boils down to.

Q.    Okay.

20                   And then the final section at pages 5, 6 and 7 sets out the programme elements and budgetary requirements of a national testing authority, and one, of course, has to recognize, I'm sure, Ms. Hoffman, that these are just best estimates at what it might cost, I assume in 1989, to put together these various elements.

25                   Just let me ask you this before I have any specific questions about the organization. We, of course,





already have the Sports Medicine Council of Canada. Do you see, if there were a testing authority such as this set up in Canada, a link between it and the Sports Medicine Council of Canada, or some particular role for the Sports Medicine Council of Canada?

A. I think there certainly could be. The Sport Medicine Council, as you said, and as we all know, certainly has considerable experience in a number of aspects of the administration ---

THE COMMISSIONER: But that would, that would not be the independent agency you're thinking of?

THE WITNESS: Well, I'm not sure that we're making a specific proposal as to, to what organization, either existing or new, should take on these functions.

THE COMMISSIONER: I see.

THE WITNESS: I think what we would say, though, is that there is a great deal more for the testing authority to do than simply to manage the logistics of testing ---

THE COMMISSIONER: Yes, I understand.

THE WITNESS: --- once the pattern of testing has been determined. I think the whole matter of determining what type of testing is going to be undertaken in Canada, drawing on which pool of athletes, with what procedure for selecting the athletes, monitoring the



extent of the doping problem in Canada and so on, is, and over time might become, a bigger task than just managing the two to 3000 tests a year that are suggested here.

THE COMMISSIONER: No, I see you've got a  
5 broad programme here. I understand.

THE WITNESS: Yes.

MR. ARMSTRONG:

Q. And I want to take you to page 6 and  
10 item 6(d), Doping Control Activities, and then you have a heading, Types of Testing.

You might just tell us what went into your thinking as to what types of testing there should be and to what extent there would be more of one type than the  
15 other.

I don't know whether your thinking went that far or not, but I think it would be useful if you could take a moment to elaborate on that?

A. There are a number of characteristics  
20 that one needs to consider when looking at testing, and as we now know, and these first two points refer to this, there is the whole issue of notice. Are athletes apprised in advance that they'll be tested or, or not?

And this simply says that there would be  
25 some combination of announced testing and unannounced



testing.

And we know from the Swedish example, as, as  
one particular case, that they operate on the principle of  
85 percent unannounced testing and 15 percent announced.  
5 That's out-of-competition and in competition.

So there is at least those two types of  
testing, where that characteristic needs to be looked at.

There is the matter -- this is the third  
point -- of targeted or random subject selection. This is  
10 really under the heading of what is the process by which  
athletes will be selected for testing, and we have talked  
mainly in this country to date about random  
out-of-competition testing programmes, and I think it's a  
view that we want to table here that ---

15 THE COMMISSIONER: It should be -- perhaps  
you should consider targeting?

THE WITNESS: We should consider targeting.  
We could spend a lot of time and energy coming up with  
more and more unique methodologies to ensure randomness  
20 in the interests of fairness and as a consequence miss ---

THE COMMISSIONER: The target?

THE WITNESS: --- miss the target.

So we would I think at this point take a  
very strong position of targeting -- not that only  
25 targeted testing would occur but that it should occur.





Then there is the question of at what kind of activity should testing occur, during competition and during training.

Presumably also the matter of venues has to be discussed: Is it testing at clubs, at identified training centres, at the home training locale of athletes, at universities, et cetera.

The second last point here has to do with whether or not the total IOC list of banned substances and practices should be tested for, or whether there should be a more condensed list for out-of-competition testing, and while this needs more, some more review, I think the general feeling is that the bulk of out-of-competition testing should be dealing only with steroids and related compounds, and that while the other substances might be --- or the presence of the other substances might be analyzed, it would only be with a view to reporting to the athlete that they had, for example, an excessive amount of ephedrine or something like that, but that that was not being regarded as a positive test, if we're talking about testing out of competition.

And then finally there is the issue of testing Canadian athletes in Canada, but in the case of those who are resident outside of Canada for prolonged periods, we'd want to make sure that the capacity was



there to have them tested as well, either by this authority directly or through collaboration with another organization in that other country.

Q. I probably should have asked Dr. Dugal  
5 this when he was here, but maybe you know.

If you, for example, only tested for anabolic steroids in out-of-competition, which is the primary target in an out-of-competition testing programme, is it cheaper or, once you run a sample through the,  
10 whatever the apparatus is at the lab, is it just the same cost no matter what?

That's probably an unfair question -- I judge that that's an unfair question of you.

A. I've seen the analysis equipment and it  
15 just looks like a big box to me, so I don't have the slightest idea.

THE COMMISSIONER: It looks like a Rube Goldberg cartoon.

THE WITNESS: Yes.

20 I think, though, that -- I mean, there are some serious questions about giving athletes the wrong impression by not disclosing to them that -- the presence of other banned substances that could get them into trouble in the competition, and I think, secondly, that we  
25 would probably want the labs to, to do analysis of all



substances, if only to track the use of other drugs.

If, for example, even if it weren't to be registered as a positive, but diuretics appeared over and over again in out-of-competition testing, from a medical standpoint that might be an issue of concern warranting further study.

MR. ARMSTRONG:

Q. Well, I suppose also there is a risk, and I don't know whether --- I think somebody may have testified here -- but even during a training programme there may well be a risk that somebody who wants to qualify to be in a particular meet during a training period, or wants to catch the eye of his or her coach, may decide during training, when they are having some training runs, that he or she will, well, just take an amphetamine or whatever the drug might be, to stimulate my central nervous system and I'll show the coach I'm pretty good.

A. Yes.

Q. So I suppose we ought not to delude ourselves that competition in its broadest form only takes place when you put the singlet on and the gun is fired at a track meet?

A. Yes, well, that's correct.

And particularly in that relatively large



number of sports, including all of the team sports, where selection of athletes is really a subjective matter at the virtual total discretion of the coach.

5 So it's not as clean and simple as saying test only for anabolic steroids in out-of-competition competition testing.

But this type of organization could give some good guidance on that type of issue.

Q. All right.

10 And then I see that in your Subject Pool for Athlete Testing, you foresee the 900 carded athletes, plus non-carded national level athletes, junior age high performance athletes, and other athletes as determined by the testing authority, presumably perhaps on the advice of  
15 its Advisory Board, who would have insight into what athletes, what sports ---

A. That's correct.

Q. --- and so on? All right.

20 And your laboratory cost is estimated at a million dollars, indicating laboratory analysis at an IOC accredited lab running two to 3,000 samples analyzed per year and also covering some research and development ---

A. Yes.

25 Q. Now, I think perhaps Dr. Ljungqvist quiz took us all a bit by surprise yesterday by suggesting





that maybe in a country like Sweden two to 3,000 tests isn't sufficient, and if you really want to do a job in a country of eight and a half million population, that 15,000 tests would be appropriate.

5                   If you took his rule of thumb we would be doing 45,000 ---

THE COMMISSIONER:   Well, it depends, I think. If you have a targeted approach you wouldn't need that many tested. Partly target and partly random?

10                   THE WITNESS:   I think that was part of what Dr. Ljungqvist was saying.

                  The other dimension, that I understood from his remarks yesterday, is that at the local level their flying squads, as I think he called them, have the delegated authority to go out and fan out into their communities and ---

15

THE COMMISSIONER:   Yes.

THE WITNESS:   --- do testing.

                  And I think at this stage we're not entirely convinced --- I think we'd want to study it some more -- but we're not entirely convinced that the way to deal with the doping problem is to test absolutely everybody, or to subject virtually everyone in the sports system to the possibility of being tested.

20

25                   I think if we've reached the point where



testing or the threat of testing has to exist for every high school student and minor sport player in Canada, that we're, we're in difficulty.

5 I think that the general approach that, that is -- has led us to the two to 3,000 samples a year, is that the more highly competitive athletes should be subjected to testing, and a relatively high probability of being tested --- I mean, there has to be a real threat there of testing for those athletes --- but that we've got  
10 to deal in a much different way with younger athletes and individuals who are relatively new to sport.

For them I think it's more a question of education on the health and ethical dimensions of doping.

15 Because, as we've said here, the prospect of doing 45,000 tests, or finding out that even that number is not sufficient and let's plan for a hundred thousand, I think would get us -- well, that's already into the realm of unreality.

20 MR. ARMSTRONG:

Q. Well, let me just finally take you away from what I consider a very useful document, and I thank you and your staff for having prepared it.

25 But perhaps I in particular have been guilty from time to time in focusing so much on testing and



out-of-competition testing programme, and let me ask you this, moving away from deterrents and the threat of being caught in testing, what are, in your view, the other things that an effective anti-doping programme should include?

A. Well, in addition to the international material that you'll be hearing about later on, I think that the broad area of education is one of the most important.

But I am defining education here not only in the rather limited sense of providing factual documentation to people about the testing process or the health hazards associated with doping and so on, but rather trying instead to create a movement in sport that makes, as the sort of prevailing norm, the prevailing attitude, that doping is fundamentally wrong, is fundamentally a violation of what sport is all about, and in so doing, to try to mobilize people in sport, and particularly athletes and especially younger athletes, to have them regularly express their interest in having sport conducted in the way that I think fundamentally we all believe it's supposed to be.

So that athletes themselves become the strongest spokesperson for sport that is free, competition that is free of doping. And that it becomes peer





pressure, therefore, within sport, that leads over time to the eradication of doping.

And so I would say that sort of propaganda movement, let's almost call it, is one of the most  
5 critical dimensions once we move off the area of testing and the very critical area of international activities.

MR. ARMSTRONG: Thank you very much, Ms. Hoffman. Those are all the questions I have.

THE COMMISSIONER: We'll adjourn until 2  
10 o'clock. Thank you.

--- Luncheon recess.

--- Upon resuming:

15

20

25



THE COMMISSIONER: Any questions, Mr. Pratt?

MR. PRATT: No, thank you, Mr.

Commissioner.

THE COMMISSIONER: Mr. Bourque?

MR. BOURQUE: No, I have none at all.

THE COMMISSIONER: Mr. Sojonky?

MR. SOJONKY: No.

THE COMMISSIONER: I just have a few  
questions, Ms. Hoffman, perhaps philosophical in nature,  
and sometimes when I ask questions people think it  
indicates the present view, which is not the way I'm  
viewing it.

Looking at your alternative of an  
independent testing agency, one thing that concerns me a  
bit is that the government of Canada funds to a very large  
extent, almost entirely for some, the whole programme for  
the sports federations. The track and field it's about 60  
percent, and I suspect some get an even higher  
percentage ---

THE WITNESS: Yes, they do.

THE COMMISSIONER: And also we fund the  
athletes as well, the carded athletes, and each one of  
these sports federations has been under an obligation,  
apparently not complied with, to carry out your Sports



Canada mandate as to what is required for doping control.

And each athlete also is required under contract with the Sports Federation, which would say, almost a condition of payment, he agrees not to be in possession of or use anabolic steroids or any other substance.

What is now being proposed by most people is sort of additional funding at the expense of the government of Canada for doping control.

And why, if you fund a sports federation on the basis that they are going to comply with your mandate and the rules which govern sport, why is it the government of Canada's further role to, to police the whole of these organizations?

Why isn't it their responsibility within the budget that they are given to comply with the requirements?

I don't know, I'm just thinking out loud.

THE WITNESS: The proposal that we were looking at before lunch for the dope testing authority I don't think is intended to absolve the sport federations of a general responsibility to make sure that the people ---

THE COMMISSIONER: Well, they are supposed to cooperate but the, the actual machinery, I gather, the



selection, almost selection, of those to be tested, it would no longer be the responsibility of the Sports Federations at all. They are expected to cooperate, they are expected to comply with your mandate for some years?

5 THE WITNESS: I guess I would say that the proposal rests primarily on practical grounds. I think the experience ---

THE COMMISSIONER: Was this, is this contemplated, if there is an opinion, is this contemplated to be in addition to what other funding requirements the Sports Federations had?

10

THE WITNESS: Yes, but only in this sense, that it would entail consolidating all --- not all, but many of the expenditures that are now made on dope testing -- that is, the laboratory contract and training ---

15

THE COMMISSIONER: And that's part of your budget, independently of funding?

THE WITNESS: That's correct.

20 So it's not proposed to either take away funding from the Sport Federations, nor for that matter, to add enormous amounts of new funding.

I think the most important concept of the proposal that was being examined before lunch is that it entails consolidating the elements of dope testing that

25





are in place now but which are dispersed through the system.

THE COMMISSIONER: Well, at the, at the moment, as I followed you earlier and looking at your  
5 funding, the amounts paid to Dr. Dugal's laboratory in Montreal are additional funds?

THE WITNESS: That's correct.

THE COMMISSIONER: That are not charged against any of the Sports Federations, right?

10 THE WITNESS: Only in the sense that they -- those funds come from a larger pot of money and whatever is spent on one item is, of course, not available for something else.

15 But those funds were originally secured for dope test being, explicitly for anti-doping activities. That's how our department came by those moneys in the first place in 1984.

20 THE COMMISSIONER: But unless the Sports Federations who are on the job, as it were, in the field, in the training sessions, unless they really do their job, you can't -- I don't say that you can't have a group of people sort of operating out of Ottawa that would have a real knowledge of the state of affairs in Sports Federations which are spread right across the country?

25 THE WITNESS: Well, I don't think that the



key people in the dope testing authority would necessarily all be individuals located in Ottawa.

It may be that the people who are actually doing the actual coordination and so on would be situated there, but key individuals would be the certified doping control officers, who would in fact be the people out in the field implementing the actual testing ---

HIS LORDSHIP: But on this theory at the moment, part of an independent agency?

THE WITNESS: That's correct. Or they would have some association, they would be delegated ---

THE COMMISSIONER: Yes.

THE WITNESS: --- the responsibility to do the testing by that authority. That's right.

You see, sir, I think there are some just plain practical problems associated with having -- let's even assume that there are 25 sports of the 60 that we deal with, who should be doing ongoing dope testing of their athletes.

THE COMMISSIONER: Yes?

THE WITNESS: To have 25 different organizations, each with their own slightly different set-up, each having to develop many of their own procedures, each having to tap in to a designated set of doping control officers, and so on, just I think now there



have to be some questions about the practicality of doing that.

THE COMMISSIONER: What about the role --- and I don't say this disrespectfully, but I am always  
5 hesitant to recommend a new bureaucratic organization -- you have in place of Sports Medicine Council now, that in a sense is responsible for doping control now, in the machinery of it, gathering the specimens ---

THE WITNESS: Yes.

10 THE COMMISSIONER: --- and sending to the lab and getting the reports. I realize that they are scientific people.

But would there not be some sort of an agency already in place which can be expanded upon by  
15 putting other people alongside them, the athletes, people that are representative of the sports themselves, and use that agency, instead of setting up a whole new independent agency?

THE WITNESS: It's certainly a possibility.  
20 I think that when one looks at the Sport Medicine Council of Canada and its staff today, that in effect to undertake the functions that were proposed in this paper, that it would need considerable additional resources, human and financial ---

25 THE COMMISSIONER: Yes?





THE WITNESS: In other words, it certainly doesn't have the capacity to carry on this job today.

The other comment I would make is that I think that the nature of dope testing is such that there  
5 needs to be some sort of structure of some sort that has dope testing as its virtually -- virtual exclusive responsibility.

And I suppose one difficulty -- although a kind of an associate status could no doubt be developed --  
10 is that the SMCC has many responsibilities.

THE COMMISSIONER: Yes.

THE WITNESS: And the question is whether or not the dope testing authority were situated within the SMCC, whether it would then report to the board of the  
15 SMCC, which has a multitude of concerns and interests ---

THE COMMISSIONER: Well, the SMCC now is, is an agency of Sports Canada, is that what I could call it? It's independent in a sense but -- well, I wouldn't say in a sense. It's an independent agency?

THE WITNESS: It's an independent agency and it was created in the late '70s, I suppose in part at the instigation of the government, but there were -- the component bodies of the SMCC, several of them pre-existed.

They weren't certainly creations of  
25 government.



I think the idea that those medical and scientific and paramedical groups should consolidate under one umbrella organization, that was in part at the urging of government, but not, not entirely.

5

10

15

20

25



But nonetheless, I think it is certainly worth considering some sort of associate status of the testing authority with the SMCC mainly to receive the benefit of the expertise the SMCC and experience they have had to this point and to receive various administrative services rather than having to set up all of the elements of this testing authority, including the administrative ones from scratch.

THE COMMISSIONER: Well, maybe in a philosophical way, I am just wondering where government's participation begins and where it ends. And theoretically, if you heard Dr. Ljungqvist's theory, you spend so much money in doping control, there would be no money left for the sports federation.

THE WITNESS: Well, we obviously don't want things to come to that point. I think that when the sport federations have the very difficult task they always do face of choosing where to spend their monies, that there is something about an area such as doping controls that even if the problem is regarded in the sport as being serious and significant, a case can always be made that it is more important to spend the money on coaching or to spend the money to send the athletes to competition and so on.

THE COMMISSIONER: Perhaps, there's been a



lack of view -- perhaps there's been a lack of appreciation in the sports federations that the priority should have been placed sometime ago on this issue which most witnesses agree now sort of threaten the whole field of competitive athletic competition.

So, if it is a matter of high priority, I guess it has to be addressed in that way.

THE WITNESS: It does. I think there is also the question of whether or not the kind of decision-making apparatuses that exist within sports federations are really amenable to dealing with the doping issue.

I think it is clear now that there are parts of the anti-doping campaign, particularly testing where as we all know one can't wait a year or two years or more for a decision to be made or the right people to be trained or the procedures to be written or what have you. That it -- if, for example, new substances come --

THE COMMISSIONER: Right.

THE WITNESS: -- into play, then there have got to be a means to develop the method of detecting them, putting in place a testing program, if that's what it is going to take, and the right processes implemented very, very rapidly.

THE COMMISSIONER: But if there were an





agency, it would also be independent of government, I guess, independent of Sports Canada?

THE WITNESS: I suppose ultimately it would have to have an accountability to --

5 THE COMMISSIONER: To somebody?

THE WITNESS: -- to whoever funded it.

THE COMMISSIONER: To the Minister.

THE WITNESS: But the suggestion that was made in this written -- in this paper, rather, was that the agency or the authority would report to its advisory committee. In other words, on a day-to-day basis it would report on its activities to an advisory committee and ultimately would have an accountability to the government --

15 THE COMMISSIONER: To Parliament.

THE WITNESS: -- or to Parliament, yes.

THE COMMISSIONER: Thank you very much for your assistance, Ms. Hoffman.

THE WITNESS: Thank you.

20 THE COMMISSIONER: Thank you. Mr. Armstrong.

MR. ARMSTRONG: Yes, Mr. Commissioner, the next witness is Mr. Lyle Makosky.

THE COMMISSIONER: Mr. Makosky has been sworn.

25



LYLE MAKOSKY: Recalled

--- EXAMINATION BY MR. ARMSTRONG:

MR. ARMSTRONG: Thank you, Mr.  
Commissioner.

5

MR. ARMSTRONG:

Q. Again, in your case, Mr. Makosky, we  
are keeping a mutual promise to have you back and you have  
kindly agreed to come back.

10

And one of the matters that -- indeed, the  
main matter that I have asked you to come back to assist  
the Commissioner and the rest of us on, is where is the  
international scene in September of 1989.

15

You brought us up to date in January as to  
where we were at that moment in time, but it is clear from  
what one reads in the press and hears elsewhere, indeed,  
from some of the witnesses who appeared here, that much  
has transpired in the last eight months.

20

And in anticipation of your assisting us and  
coming here today, you have first of all prepared a  
document from which you are going to speak.

25

And perhaps what we might do first, Mr.  
Commissioner, is have this document marked as the next  
exhibit in both English and French. It is headed Events  
and Trends in the International Anti-doping Campaign,



Overview of Comments Provided by the Assistant Deputy  
Minister of Fitness and Amateur Sport.

THE COMMISSIONER: Yes. That's Exhibit  
number?

5 THE REGISTRAR: 292.

THE COMMISSIONER: 292.

MR. ARMSTRONG: All right. Could we have  
the French version marked as Exhibit 293.

THE COMMISSIONER: Yes.

10 THE REGISTRAR: 293.

--- EXHIBIT NO. 292: Document entitled: Events and  
Trends in the International  
Antidoping Campaign, Overview of  
15 Comments Provided by the Assistant  
Deputy Minister of Fitness and  
Amateur Sport.

--- EXHIBIT NO. 293: French version of Exhibit 292

20

THE COMMISSIONER: There is another  
exhibit, do you want to put it in now, too?

MR. ARMSTRONG: Well, we will come to the  
other exhibit.

25 THE COMMISSIONER: Okay. Fine, let's deal



with it that way. Okay. Yes, Mr. Armstrong.

MR. ARMSTRONG:

Q. All right. Then, Mr. Makosky, with  
5 that introduction, can you assist us as to indeed where  
the international scene has gone since January of this  
year and where you see it going from this point.

A. Thank you, Mr. Commissioner. First of  
all, perhaps to begin, a brief observation. If we look  
10 back over the period in recent years up until two or three  
years ago at the global picture and asked where was the  
anti-doping campaign at that point, we could probably  
summarize it with a few brief observations that first of  
all the focus generally speaking was on questions of  
15 control through scheduled testing, that the questions of  
management of anti-doping campaigns within countries were  
a matter of individual choice of those countries. There  
was limited international collaboration primarily in  
Western Europe, particularly in the Nordic group, but  
20 there really was very little international leadership  
notwithstanding the IOC initiatives with regard to the  
labs. There was really no collaboration among governments  
and no debate on values or preferred futures.

In the last couple of years we have seen the  
25 launch of the World Conference in Ottawa, the initiation





of a World Charter.

THE COMMISSIONER: That was June 1988,  
wasn't it?

THE WITNESS: June 1988. And, of course,  
5 the Seoul events of which led to the creation of this  
Inquiry, and, indeed, other inquiries, investigations,  
around the world in the last nine months.

All of this in the last two years, I think,  
has tremendously accelerated the pattern globally of the  
10 anti-doping campaign, but it is fair to ask to what degree  
has it accelerated it and where are the accelerations  
heading, and does the pattern give us cause for confidence  
that, indeed, there is a comprehensive emerging pattern.

And so what I might reflect on today is  
15 observations on the events, both concrete and explicit,  
and others that may be notional in character which may give  
an indication of where the trend of the international  
campaign is heading and our degree of confidence and  
comfort around that.

20 And this framework before you now outlines  
the series of some six headings under which we believe or  
against which we believe the next global campaign must  
incorporate its involvements.

The first section is called the Scope of the  
25 Problem. So, the question becomes to what degree first of



all is there an indication that there is an understanding and acceptance of the seriousness and extent of the problem internationally as will be the focus of all of my comments.

5                   And here most of my notations here are notional in character are meant to be indicative rather than comprehensive, but in general in the last year we have seen an extensive increase in the stories in media of related incidents, not just with regard to Canada, but in  
10 other centres of world.

                  Our own foreign posts, that is Canadian embassies in many other nations in the world who observe the media coverage in their capitals and provide us comments and summaries of such coverage, report an  
15 extensive local reporting of this Inquiry's highlights and, indeed, increasingly of other doping-related highlights around the world.

                  We know other that inquiries have been launched and reported on in Australia and the United  
20 States, et cetera; that more international federations are beginning drug testing; that the IOC in the creation of its new doping commission as part of the construct of that commission contemplates a center reporting of all results, test results done by IOC lab.

25                   One of the problems we know we have had in



the last several years is that the IOC labs have been under no compulsion or obligation to report all of their positive tests, nor has there been any system to do a follow up to find out what happened with those positive tests by way of at the very minimum any penalties and procedures that the national federation may have undertaken.

The IOC contemplates changing that and establishing a central reporting for all such results.

Legal authorities, we have talked to in both and heard from in both the United States. And Nordic countries, for instance, have observed with alarm the move of organized crime into distribution of steroids and other matters, whether by mail order or otherwise.

And finally, the observation I have made is that at the Second World Conference that will be held October 10th to 12th in Moscow, that on the agenda of that conference will be a proposal for an evaluation, a global evaluation model, to assess progress.

And one can observe that the world must only be ready for establishing some kind of observation or monitoring approach if indeed it is concerned about global progress.

Those are just some indications that I think that there is a greater understanding, a substantial or





greater understanding of acceptance of the seriousness and extent of the problem, not yet sufficient, and not yet extensive enough, but an indication that the pattern has dramatically shifted in the last year to two years.

5           The second entry point I have related to you under scope of the problem deals with the emphasis, the selected emphasis on designated nations.

          There are approximately 167 countries that are members of the IOC. There are, as you heard  
10 yesterday, 182 members of the IAAF. It is, I think, in the short term impractical and probably unnecessary to expect all of those countries to incorporate and adopt a comprehensive anti-doping campaign.

          It is probably more worthwhile to attempt to  
15 focus selectively on the top sporting nations in the world, perhaps the top 25 as 30 as ranked by Olympic performance both summer and winter, and to concentrate in the top 15 to 20 sports in the world, again selected or ranked by their propensity for or their history or  
20 probability of drug-taking risk.

          To what degree do we see indications that that is occurring? There is some promising action not yet as focused as we would like. We know that some of the leading nations, such as the Soviet Union and the United  
25 States by establishing the intent to form a cross-testing





5 bilateral agreement and by their openness to admitting  
that within their systems the doping problem is quite  
extensive, that those nations are taking leadership and  
saying to the world, yes, we have a problem, we are  
leading nations in the world in sport, and we must take  
some leadership to provide some models of change in  
leadership.

10 So, there is some promising indication. But  
at the same time, there has not yet been an overall agreed  
strategy to focus on the top 25 to 30 nations in the  
world. We think that must come hopefully at the World  
Conference in Moscow.

There similarly --

15 MR. ARMSTRONG:

20 Q. If I could just stop you there. Indeed  
as important and significant a signal that the  
U.S.A.-U.S.S.R. agreement sends out to the world and just  
the terms that you have suggested, the proof of the  
pudding, in fact, will be in the eating and the eating  
will be due, in fact, if they implement that policy by, in  
fact, testing each other's athletes in a meaningful  
out-of-competition way. And we still have to wait. In  
fact, the implementation of that bilateral agreement and  
25 one would hope the implementation of others as you have



suggested I take it?

A. That's fair; I agree with that.

THE COMMISSIONER: Who are parties of  
this -- to this agreement? You say U.S.S.R. and U.S.A.  
5 Is it the U.S. Olympic committee?

THE WITNESS: Yes, in the United States it  
is the U.S. Olympic Committee. In the Soviet Union, it is  
the Central Committee for Sport and Physical Culture.

THE COMMISSIONER: That's the government  
10 agency, then?

THE WITNESS: That's the government agency,  
correct.

THE COMMISSIONER: But in the United States  
it is not a government agency?

15 THE WITNESS: That's correct.

THE COMMISSIONER: All right.

THE WITNESS: The last report that --

THE COMMISSIONER: So, you have to look to  
the United States Olympic Committee to --

20 THE WITNESS: To provide the leadership.

THE COMMISSIONER: Well, to take action.

THE WITNESS: Correct.

THE COMMISSIONER: Okay.

25 THE WITNESS: Yes. The last report that we  
have --



THE COMMISSIONER: The leadership may have to come elsewhere, perhaps, I think. Go ahead.

THE WITNESS: You may have more information, Mr. Armstrong, but last I spoke with the Los Angeles representatives that are organizing this exchange  
5 a few weeks ago, they were at the stage of exchanging officials that were resident in each other's country, working with the laboratory to put in place the procedures that will be undertaken in the year ahead .

10 THE COMMISSIONER: We have a draft of that.

THE WITNESS: You have it.

THE COMMISSIONER: We have a draft, not the final draft. I have seen it.

Go ahead, Mr. Armstrong.

15 MR. ARMSTRONG:

Q. Again, not wanting to interrupt you, but again as we understand it, and I believe you understand it to be the same way, in order for that  
20 agreement to be implemented, one of the first steps that has to be taken is that the various sporting organizations within the United States that will be effected by the testing will have to agree to it.

And, for example, a very important component  
25 will be TAC, The Athletics Congress, and the securement of



its agreement?

A. That's correct.

Q. All right.

A. Similarly, in addition to the selection  
5 of sporting nations, there is a question of selecting top  
15 to 20 sports that as you heard in part yesterday from  
Mr. Ljungqvist there are really still a limited number of  
nations doing out-of-competition testing.

Our measure here is that there is probably  
10 less than ten that are really in the game of  
out-of-competition testing internationally. And within  
the sport bodies, the selection of all of the sport  
bodies, there is probably only six or eight international  
federations that are seriously engaged in an anti-doping  
15 campaign with substance that has the procedures of testing  
in competition, out of competition either in place or  
emerging as a set intention.

And we think that ante has to be upped as  
well from those six to eight to a number of more sports  
20 that we think have the propensity to be involved.

Q. What are the sports in addition to  
weightlifting and athletics?

A. Those involved most consciously I guess  
probably cross-country skiing, because they have been  
25 looking at blood doping; cycling, although there is a bit





of a mixed message of cycling because you have the pro and amateur, but in general the sport of cycling has been and continues to be concerned and is involved with developing a campaign.

5                   The international aquatics body, FINA dealing with swimming, diving, water polo and synchro, particularly concerned, I think, here with swimming is developing a posture in this regard, rowing and canoeing.

10                   I guess I point to those seven or so really indicative of really the ones that are consciously moving to some degree.

                  THE COMMISSIONER:    They are the ones you think are beginning to take some action?

15                   THE WITNESS:    Yes, on the international level.

                  THE COMMISSIONER:    Right.

20                   THE WITNESS:    So, in terms of the scope of the problem, there is clearly -- the ante has been upped in everyone's consciousness about the seriousness of the problem.

25                   In terms of adequate full acceptance of the extent of the problem that's not there yet internationally is our belief. And the selective emphasis on the top nations and top sports has not been adequately established yet, we think, although there's been some good leadership



already emerging with some nations.

The next page, Mr. Commissioner, deals with the question of governance which word I think is intended to summarize the selective set of observations dealing with the degree to which the stakeholders in the international campaign, which is to say the international sport community and governments, are moving towards some kind of model of leadership and shared responsibility and agreed set of roles and some collaborative management approach, to what degree can we observe that that is happening, that the governance approach is moving ahead.

THE COMMISSIONER: When you speak of USA, but as I follow the hearings in the House of Representatives and the Senate, they are directing themselves to the concerns about the health aspects of steroids and the laws governing its control, because the Government of United States as such it does not fund nor does the State fund sports activities and therefore they would not, I would think, move into the question of doping control at all.

THE WITNESS: So far that seems to be the pattern.

THE COMMISSIONER: I don't think anything -- because it is really beyond their mandate.

THE WITNESS: Yes, that's correct.



THE COMMISSIONER: So, you have to rely on the States, which is a country that doesn't fund.

I mean, for example, if Canada didn't fund their athletes at all, the sports federations, or the athletes, the only concern of anabolic steroids for government would be the health.

THE WITNESS: Well, I guess that is arguable. Even if this government didn't fund the sport system, we might have a concern about such a large social movement in this country that affected so many Canadians not only with respect to health, but potentially with respect to -- we will call it -- the social conduct and the social relationships that are created by the sport movement.

THE COMMISSIONER: I may have overstated it, but the fundamental difference between the United States and Canada is that the government of Canada, public funds are supporting the sports federations, and the athletes, and in turn you are entitled to know what is happening to the money that you are expending and concern for the whole issue of doping control.

THE WITNESS: Yes, I agree with that.

THE COMMISSIONER: But the U.S. Senate and the House of Representatives has a different mandate.

THE WITNESS: Yes.





THE COMMISSIONER: Australia was looking into the matter much as we were, by the way.

THE WITNESS: That's correct.

THE COMMISSIONER: Go ahead. I interrupted you. Next item is Widen Responsibilities of the Athletes.

THE WITNESS: With respect to the shared responsibility, the first point one might look at is the degree to which we see the emergence of investigative approaches.

THE COMMISSIONER: All right.

THE WITNESS: We know that on a more massive scale, inquiries have been launched in Canada, Australia, to a certain degree with the Senate committee in the United States, but to what degree can we observe the emergence of investigative processes or models or approaches that can be used in clubs in states within countries. And here we have not yet seen any real advance and it represents probably an important next development.

There are a lot of calls for finding out the others who are guilty of aiding and abetting, but the calls for bringing those people to light and dealing with them have not been matched by any kind of investigative work or even any development of any kind of models.

As a very minimum, we would hope that the next stage development which wouldn't require a lot of





fancy modelling would be for international federations and national federations as a matter of course to require that wherever there is a doping incident, that the report of the positive is accompanied by at least a process that involves the questioning of those involved with the athlete, the immediate entourage, and the federation's immediate circle around that athlete. And that that kind of investigation involving at least asking the questions, appropriate questions, would yield a report that would bring forward hopefully some insight.

That hopefully is the next stage minimum and beyond that I think the international and national sport systems really are in need of some kind of model, whether it is going to involve the civil authorities or not, ideally a model that the sport system can use within itself to investigate responses or to investigate doping incidents or the emergence of a pattern that they think might be leading to doping incidents long before they become a crisis mode.

So, far yet, not a lot of the evidence on that side.

The second note here relates to widening the responsibility beyond the athletes to what we might call the support circle: The coach, the doctor, the trainer, the manager around the immediate athlete and his or her



club.

And again, lots of increased calls for the inclusion of doctors and coaches in this whole anti-doping campaign.

5                   We see individual incidents where some federations and countries are beginning to take some leadership in this regard. Recently, there was a Bulgarian heptathlete suspended for testing positive at an European championship and as a consequence of that, the  
10 Bulgarian federation not only suspended the heptathlete but the heptathlete's own coach and the chief track and field coach of that federation, and the doctor attached to that track and field team.

                  Again, this is simply an indication of where  
15 some federations are developing some leadership.

                  As well, at the World Conference in Moscow, there will be tabled along with the established world charter that was generated in Ottawa last year a set of annexes. The annexes -- the framework for those annexes  
20 were outlined in Ottawa, but have been in development over the last year and they are now virtually finished.

                  And one of those annexes will address the question of ethics, rights, and responsibilities and will attend at least initially with a set of principles to the  
25 ethical responsibilities of doctors and coaches.



So, by virtue of this topic coming on the agenda and an annex to the world charter being produced, one can see that there is some evidence of movement in this regard.

5                   The next topic is entitled Extending Up and Down the Sport Governance Line, which is to say that as we have observed the problems with doping internationally, when there has been within a sport a doping positive, there has been in our observation not enough intent to try  
10                   to develop a vertical shared responsibility within that sports community right from the club right through the provincial, state, national, international body.

                  So, that there is some shared responsibility. Which is to say that by and large, there  
15                   probably are a set of principles and policies and campaign initiatives that every sport body from the local to the international should be undertaking. And that set of elements should have a set of shared responsibilities at each level. And those shared responsibilities should  
20                   bring with them an understanding that every level has underneath it some obligations of membership.

                  The international federation requires of its national federations some responsibility for membership, and that those responsibilities of membership should have  
25                   an inclusion about anti-doping, and should have some





penalties attached to a failure to comply with those responsibilities.

THE COMMISSIONER: Well, the IAAF has it in paper but nobody is paying attention to it, according to Dr. Ljungqvist.

THE WITNESS: Exactly. Exactly. An example of the international weightlifting federation had a special executive meeting earlier in the year passed by the general assembly are attempting to put in place some requirements on the national federations a.

By way of example, they have stipulated that if a national federation has three positive tests in a single year, that federation will be suspended for one year from international competition.

If a national federation refuses to coopeate with out-of-competition doping testing by the world body, they will be suspended for two years.

And that when there is an international doping positive, the national federation must name the coach, the doctor, and the official responsible for that positive test, or at least associated with that athlete. And if not, then the international federation assumes that the national federation's team coach is responsible and that person will receive the penalty.

Now, I am not saying that that's either





appropriate or fair. I am just indicating that is one international federation that is attempting to attach to its membership responsibilities some penalties for non-compliance as with respect to anti-doping.

5                   The next section talks about the degree to which we see some kind of code of conduct emerging along with licencing and self-policing for the sport medical practitioners and the coaches.

10                   Here again not much happening internationally at all dissappointingly. There is an international body whose initials are FIMS, which tries to provide a loose kind of collaborative forum for international representatives of sport doctors.

15                   And this international body to date has been silent by and large on the involvement of sport medical practitioners in doping.

20                   We do notice that in some countries, such as Canada and the United States, that where there are governments that have a responsibility for the licencing of physicians, that some countries are beginning to include in the licencing obligations an attention to the matter of doping in sport and responsibility of such physicians to conduct themselves responsibly and attend to a code of conduct.

25                   But, again, those are only indicative, and



we don't see any kind of a global pattern that gives us at this point much satisfaction as we would like.

The next section, Mr. Commissioner, deals with the general title of Sport Governing Body Influence  
5 Over Its Member or Member Sports.

And this becomes quite important because by and large on the international level, the international campaign will really be won and lost through the leadership of international sport bodies, the leadership  
10 they take with regard to their member groups.

And there are a variety of different ways you can slice the pie in this regard.

Probably most important of all, in our view, is the matter of the IOC, The international Olympic  
15 Committee's, authority, if you will, or influence over the international federations.

And, again, there are some promising and some very good indications of movement in this regard, not as much as we would like, but some good movement.

20 Typically, the IOC deals through two umbrella groupings. One is the Association of Summer Olympic International Federations, and the other is the Association of Winter Federations.

In Barcelona in April there was an agreement  
25 reached between the Association of Summer Olympic



Federations and the IOC to attempt to harmonize the International Summer Federation's approaches to doping control to a common set of standards.

THE COMMISSIONER: Is that what ASOIF is?

5 Is that the summer one?

THE WITNESS: That's correct, Association of Summer Olympic International Federations, ASOIF.

And that Barcelona agreement, which I think, I believe, Mr. Pound probably tabled with you at another  
10 point, points out that the IOC and ASOIF are intending to try to move toward a common approach and a common standard.

At this point it gives some confidence. The next, we believe, will be the Winter Federation. But what  
15 those actual procedures will be and actual policies will be, they will move towards, are really only loosely defined as to be a common set of approaches.

Some of them, we believe, are largely defined in the international charter, which the IOC has  
20 now adopted as their charter.

So, there is a standard which covers a number of major elements.

As well, the IOC's new plan for its new commission, its new committee, if you will, and its  
25 testing program the international out-of-competition



testing approach, will require the acceptance, if you will, and working with the international federations.

So, it does call for -- on the international federations to cooperate closely with the IOC in this regard.

So, where is the future in this? We expect that the IOC hopefully will move towards eventually the kind of centralized coordinative approach in a way that you see domestically in some countries, that there is a central body, such as in Canada or in Sweden, which in Canada is a government in Sweden is a multi-sport federation, but on the international level it will be the IOC, calling for all the international federations to submit regularly, perhaps once every four years, their plans for anti-doping including out-of-competition testing.

And that that testing would be reported on by the international federations to a central reporting source, and they would also report on the dispensation of those positive tests in terms of penalties and follow-up investigations.





And that in fact, attached to that obligation would be penalties by the IOC to the IAF for non-compliance, including suspension from the Olympic Games.

5                   This is what we believe ultimately the IOC must move towards.

                  And we know the IOC is nervous and tentative about embarking on this too quickly and too aggressively, and we believe that the countries of the world, the  
10 governments of the world and the national federations that are concerned about this, must help to support the IOC to give them the kind of courage, if you will, to seize the leadership that we believe they can because they have the authority, since they have the keys to the ultimate club,  
15 the Olympic Games, that the international federations ultimately want to be part of.

                  There is a second courtier, if you will, a suitor for the favours of the international federations, another international body with the initials GAISF, the  
20 General Assembly of International Sport Federations, which is attempting, if you will, to gain some common compliance by the international federations.

                  It will have before its general assembly meeting in November of this year ---

25                   THE COMMISSIONER:   Who are they, though, I



don't know them?

THE WITNESS: GAISF, GAISF is a body which is really an umbrella federation that is the, made up of all the international federation members, so the IAAF ---

5 THE COMMISSIONER: I see.

THE WITNESS: --- are all members of it.

THE COMMISSIONER: I see, thank you.

THE WITNESS: But GAISF really doesn't hold any events, it really doesn't have any obligations of membership, and since it doesn't have, if I can call it, anything for which it is important to enter, it can't put penalties or obligations on its members.

It really, it doesn't really govern ---

15 MR. ARMSTRONG:

Q. It doesn't hold the keys to any club?

A. It doesn't hold the keys to any club.

And it meets as a common forum to try to pull together common concerns, common issues. It's an exchange mechanism.

And at their November assembly this year we know there will be tabled before that assembly a proposal to harmonize to a common standard the international federation's approach.

25 In this case, ultimately I think the chips



are with the IOC but the fact that GAISF is also moving to try to harmonize is a good development, and if they can be moving in the same direction as the IOC, then we'll all win.

5                   Q.    Can I just go back to the IOC and the international federations, and in particular, the IAAF.

                  We know that since 1987 the IAAF has had a provision that says its members must have an out-of-competition testing programme, and we know, quite  
10                   frankly, in spite of apparently Dr. Ljungqvist' evidence yesterday -- that the only real out-of-competition testing programmes you can count on the fingers of one hand that exist in the world, and they've only just gotten started,

                  I mean, Canada has one of them in track and  
15                   field, and it's just started; Britain has another, it's just started.

                  A.    Mm-hm.

                  Q.    And do you see the Olympics in effect, using the same language I used with Ms. Hoffman in another  
20                   context, do you see the IOC wielding the big stick and saying to Mr. Nebiola and the Council of the IAAF, Look, you've got a rule there that requires your members to have out-of-competition testing, now why aren't they doing it? Why aren't they doing it, Mr. Nebiola, and what is your  
25                   federation going to do about it?



I mean, putting it at that sort of blunt level, away from -- all these charters are a first step, but I think you'd be the first one to recognize it, and the principles enunciated are important, to send the message out to the world, but, but when you see the IAAF having all of this, all of these principles on paper and nothing much happening, will the club or the, or the organization that has the keys to the ultimate club do something about it?

A. We, we believe, I guess, that ultimately they have to for this all to work, and that if we can keep everyone's feet to the fire, they will.

I think it's fair to say that if we don't keep the intensity up as governments, as national federations, as countries concerned about this, there will be the possibility that it will, that it will slide.

There is a high focus internationally right now in the world, in the world of high performance sport on this question.

And the international federations' feet are to the fire and the IOC, I think, has the opportunity to seize the leadership.

So if we keep everyone's intensity on this topic and not lose it for the next two to five years, I think in that period of two to five years, it is quite





possible to see the IOC seizing that leadership and ultimately making that call.

It's a judgment call, if and when it will occur. We think it has to occur.

5 I think it's doable in the next two to five years, but only if the intensity of those concerned keeps everyone attending to it.

Q. All right.

10 And would you say that if we don't do it in the next two to five years, this moral crisis will exist in sport is just -- it may be beyond us?

A. That's right.

There is a real potential, I think, to slide.

15 I mean, the Nordic countries will talk about how long they've been in this game, we know they've been world leaders, and they've seen excitement around the periods of certain Games in Europe or in North America, and they've seen a certain peak for a few months where  
20 some countries have got excited, it's led to some things like the European anti-doping charter, and then the pattern of intensity, if you will, has slowed down.

It's never been as intense as it is right now; there's never been as much awareness and concern by  
25 the general public; there's never been as much involvement



by governments and individuals speaking out on this question, and we have a real opportunity to seize the leadership globally now in the next two to five years.

5       The next -- you asked the question to what degree do we see international federations exerting greater influence over their national federations, whether it's the IAAF over individual country federations, or whatever.

10       Again, some indication -- not as much as we think needs to happen -- but there is some indication, the International Weightlifting Federation model that I have pointed out.

15       It is interesting to note that in some cases where there is a concern for the behaviour of national federations or their athletes, international federations can act.

20       We've seen that most recently at the same time as the IAAF Congress in Barcelona, when they released their new doping rules, they also released an intent to deal with the question of athletes not appearing at major meets.

25       And they were giving a very strong message that they were going to expect the national federations and their athletes, when they commit to a meet, to show up at that meet and fulfil their obligation.



So international federations, when they are concerned about certain aspects of the conduct of a sport, athletes appearing, or where they are -- if you will, the profile of an event is going to be compromised in some way, they can and will act.

They have demonstrated that in other regards.

THE COMMISSIONER: Well, in that case it's in their own self interest to do so, because ---

10 THE WITNESS: That's correct.

THE COMMISSIONER: --- it affects the gate if their athletes don't show up?

THE WITNESS: Exactly.

15 The next section is with regard to whether the IOC's influence over its national Olympic committees is increasing and with respect to this issue.

20 There was a meeting of the Association of National Olympic Committees in December in Vienna that made a statement of support of the IOC policy and the IOC charter.

However, I think we would say that this is one area that we are -- with regard and through the eyes of the federal government, are quite disappointed.

25 The IOC has a given network, if you will, throughout the world. They have 167 national committees;



they are members of their family.

There are obligations of those national committees to hold their membership. The IOC, if you will, something gives its membership to a national Olympic committee through its own initiative.

A country doesn't assume or take a national Olympic committee representation; the IOC must either anoint it or give it or approve it.

So it has the authority, if you will, to attach to the national Olympic committee some responsibilities, and it has a built-in network and a family, and I think we're disappointed that the IOC so far has not yet used that network.

Now, we're not saying that in all respects the national Olympic committees are the vehicle. In some countries such as, we'll say, Norway, the Norway Sports Confederation is the vehicle of choice to manage the anti-doping campaign, and the National Olympic Committee is not the preferred vehicle.

But there are some countries in some areas of the world where the national Olympic committee is the central authority, and they could, if you will, heighten the pace of the campaign within those countries, and the IOC has a direct pipeline to them and we think that more can be done there.





THE COMMISSIONER: All right, thank you.

THE WITNESS: Both (e) and (f) here relate to the existence of a central national organization.

In some countries it's a multi-sport  
5 federation such as in Norway, and other countries it's simply an independent central national organization.

The question is to what extent do we see the emergence of such organizations controlling the anti-doping campaigns in a country-by-country basis, which  
10 is what we think needs to occur.

To the extent that there are already established agencies, it already exists.

There is the emergence of new such agencies -- Australia through their report has just  
15 announced the appointment of a new anti-doping commission, and the principles for the establishment of such a central agency will be tabled by Canada at the Second World Conference.

And finally on this page is a question of  
20 whether or not there is or should be an independent international body to coordinate and manage the anti-doping campaign.

The closest we see so far coming to that is the IOC's proposal for an independent testing team and a  
25 centralized reporting of results.



And this is going to be a multi-party commission with international federations and other parties based around that commission.

5 The question is whether or not this international body will, will undertake the true coordination of international campaign.

There has been some call privately, if you will, or informally for governments to support the creation of this body or create links to it.

10 It will be an interesting challenge for us and other countries to decide as governments how we want to relate to this proposal, whether we still see the need for the creation of a separate mechanism that would undertake initiatives that governments are interested in, 15 or to form some link to this new mechanism, but certainly the main question is how will governments relate to this new international IOC mechanism.

20 The next page asks the question about government influence on sport, both within a country and internationally, what do we see as the trends and the events in that regard.

25 Certainly within countries there are some governments that are demonstrating that -- their sincere concern for this issue and taking a stronger role and establishing it through legislation.



New legislation has been tabled and/or passed in France, in the UK, in the USA with regard to drugs in general -- there's sections dealing with drugs affecting sport -- and Australia.

5           Such legislation usually deals with creation of a new commission where it doesn't exist, with drug classification, penalties for possession, the role of customs and the role of sport versus civil authorities.

10           We have seen the emergence of new legislation in countries that indicate governments are getting more involved with this issue within countries.

15           As well, at the World Conference, the national model package, if you will, or guidelines that were first established in Ottawa, will outline the role of governments with regard to this aspect of drugs in sport in Moscow.

          To what extent are governments becoming involved outside of countries? Do we see a global involvement, a global forum emerging?

20           Informally things are occurring on a heightened pace for sure.

          At the Second World Conference in Moscow it's been accepted now, based upon the first one in Ottawa, that governments will be at the table, so that of 25       the 40 nations that have been invited and will likely be



attending, 50 percent of the delegations from those 40 nations will be governmental in character, coming from the government agency responsible for sport or doping control where it exists.

5                   At the fall meetings of the UNESCO foreign ministers which will occur this October, November, they will have before them the resolution which was tabled at the UNESCO meeting of sport ministers last November, calling for acceptance world wide of the anti-doping  
10 charter, calling for the establishment of the new IOC Commission, and calling for countries to work together to try to eradicate the problem through a variety of initiatives.

15                   And foreign ministers of some hundred and twenty nations in the fall in Paris will be reviewing that resolution, first tabled by Canada in Moscow, and will be spoken to and tabled by Canada again in Paris.

20                   On the International Working Group, which is the only international group that has both governments and sport working together, a mixture of some ten  
representatives that I related to in January, that group is still, I think, the main vehicle for international  
collaboration across sport and governments, and it  
continues to be the pivotal group that is trying to bring  
25 some cohesion and comprehension.





It is this group, that has, in fact,  
established a planning group to run the World Conference  
in Moscow.

Again Canada has the distinction of chairing  
both that group and the planning group.

And this summer, in Reykjavik, Iceland, in  
June, the Council of Europe of 25 nations undertook two  
passages of two major documents, if you will: It fully  
endorsed the world charter that was launched in Ottawa  
that Canada gave birth to, if you will, and provided their  
approval to it -- that was the first time that governments  
have endorsed the charter -- and secondly the Council of  
Europe passed a convention which for them has more  
obligation to it and has more intention, if you will, to  
obligate their members to follow a certain pattern.

To what extent, the next section asks, do we  
see agreement among countries?

This is still under the general title of  
governance.

Bilateral agreements among countries, we see  
the possibility of some heightened work in this regard.

At the Second World Conference we will see  
tabled there some modern principles and terms that  
countries can use when they establish bilateral  
agreements. Usually these bilateral agreements are signed



between states, between governments.

And in these bilateral agreements, countries, we believe, can undertake through their government to put pressure on their sport systems to work to a common international standard which might, in fact, even be defined by such bilateral agreements, and we will be tabling in Moscow the principles and terms for a model of such a bilateral agreement.

We have the USA-USSA cross-testing programme as an example of a model bilateral agreement, and in fact, if one were to think strategically about the options for change internationally, it's our belief that we need to think creatively about more than one option.

We know now that the initiative has been taken by the IOC to mount a global campaign based around an international out-of-competition SWAT team, if you will, that will go from country to country and undertake tests.

But if you imagine the number of countries and the number of tests and the number of sports that are involved here, the matrix of the involvement here is absolutely staggering, and it will be perhaps some time before the IOC proposal could be comprehensive enough to have covered the substantial number of sports, countries and athletes.



What that proposal, I think, really signals, is leadership by the IOC on an international level to take a new relationship with regard to the sport community and to say that it is going to be concerned about doping that is going on within countries, within sport federations.

Previously it was, if you will, only concerned by what was going on at the Games, and in between it said it was offering up its labs to provide attesting vehicle.

In recent years it has talked about being more involved in between Games, and I think this new doping commission and the out-of-competition testing team indicates a major shift in the IOC to act between Games in relationship to countries and sports.

But practically speaking, to bring about real change, we believe that there are some other options that can begin to be considered, based upon the possibility, for example, of bilateral agreements.

If we were to simply take, by way of example, the top 12 or so sporting nations in the world and form simply six bilateral agreements -- USA-USSR, Canada-GDR, the UK and Poland, Australia and China, Norway and Romania, et cetera -- and those countries, within themselves, could without as much practical requirements as the IOC will require for their long-term campaign,





within a year, those countries could form the principles and practices for a bilateral agreement that could involve cross-testing in each other country, and one could see the emergence, if you will, of real dramatic leadership.

5                   If the top dozen nations involved in sport were to form a series of bilaterals, hopefully around a common standard, and that could bring about demonstrated leadership very quickly on the principle of mutual deterrence.

10                   In terms of multilateral agreements among countries occurring, as I have said, the Council of Europe convention was established this summer in June in Reykjavik. Canada has been asked to join this convention.

15                   Canada has also been asked to join the Nordic convention that Mr. Ljungqvist spoke of, to become a member to that.

20                   We have seen a demonstration of multilateral cooperation in amongst the socialist ministers and countries by the launch of their two, I think, significant appeal statements, both in the fall of 1987, which appeal statement led to Canada inviting the socialist ministers to meet in Calgary during the time of the Olympics privately, and that discussion led to the launch of the First World Conference in June, and subsequently last fall  
25                   in November, in Budapest the socialist ministers met and





launched an appeal statement which was tabled at the UNESCO Conference of Ministers of Sport in Moscow in December, which I think gave substantive weight to the p of the resolution calling for the endorsement of the charter and the IOC's new commission ---

THE COMMISSIONER: Well, when you speak of agreements between countries, that puts the, the state in each case under an obligation to see that the agreement is fulfilled, doesn't it?

THE WITNESS: That's correct.

THE COMMISSIONER: You're not talking about sports federations now. How does one do that?

THE WITNESS: Well, presumably where ---

THE COMMISSIONER: You know, you, you've got an agreement, say, with East Germany, a bilateral agreement. You're going to eliminate the use of performance enhancing drugs, or whatever you want to call them.

How would the government of Canada, the government of East Germany, go about seeing that's done? You don't have any athletes in -- I don't mean that, we have a lot of athletes working for the government -- but all these athletes are parts of sports federations who traditionally have been rather regarded as independent?

THE WITNESS: Well, the example you gave by



way of the example with the GDR and Canada, if we were to  
establish an agreement ---

THE COMMISSIONER: Right ---

THE WITNESS: --- which called upon both  
5 parties to ---

THE COMMISSIONER: To allow testing of each  
others' athletes and so forth ---

THE WITNESS: That's correct.

THE COMMISSIONER: Right.

10 THE WITNESS: In the case of the GDR ---

THE COMMISSIONER: Well, wouldn't you have  
to get the approval then of all the sports federations?

THE WITNESS: Let me speak to both  
countries in turn, to give you an example.

15 In the case of the GDR, although our  
agreement is entered into, if you will, through the  
political domain, through foreign affairs departments, the  
people who sit down to sign the agreement with us, is in  
fact the Deutscher sportbund, the DTSB, which is really  
20 the governing agency.

Now, the DTSB ---

THE COMMISSIONER: Well, I suspect, though,  
that they actually control their athletes?

THE WITNESS: That's correct.

25 THE COMMISSIONER: But Sports Canada



doesn't control its athletes?

THE WITNESS: It doesn't, but it has the influence, as evidenced by the anti-doping policy and campaign we've undertaken in the last few years, to influence a pattern of doping control through the financial influence it has.

THE COMMISSIONER: I see, all right. So you would oversee it, then?

THE WITNESS: That's correct.

THE COMMISSIONER: In a very direct way, that way

THE WITNESS: I would think so, exactly.

THE COMMISSIONER: Go ahead, Mr. Armstrong.

THE WITNESS: There is the possibility, on a multilateral basis, I think, of a Commonwealth-based agreement.

The nations of the Commonwealth will be meeting at the Games in Auckland in January, February; it is Canada's hope to convene a discussion with the nations there to talk about this issue.

This is the possibility of that forum to create a multi-party agreement.

And we know that the World Charter is moving ahead in various forms for endorsement, including the Council of Europe. Next ones involve the Commonwealth and



Confrejes of francophone nations.

And I think if I might even make an editorial observation, that there is the possibility, if we look internationally for an agenda for change, or a series of recommendations, one could see the results of this inquiry forming such an agenda for change.

The recommendations coming out of this inquiry some months down the road, could in fact form an independent interesting agenda for international governments to cooperate on.

The next section deals with common purpose and really asks the question, To what degree do we see the international system, governments and sports communities, moving towards a uniform and common approach, which is ultimately, if you will, translated into the level playing field.

On the question of uniformity, we look to uniformity across international federations in sports and across countries.

And with regard to federations in sports, as I've mentioned, the ASOIF-IOC agreement in April and the upcoming Congress of GAISF in November are going to be dealing in principle with the establishment of a set of common practices and principles.

As you said, Mr. Armstrong, the proof will





be in the pudding eventually in this one as well, exactly what those practices look like, but at least there is an intent to move towards uniformity.

5           Among countries, uniformity as expressed by the Council of Europe Convention, which is an attempt to move some 25 nations towards a common approach, and the Council of Europe's endorsement, are an indication of movement of countries.

10           But generally speaking, the uniformity so far across sports and countries is not yet focused on strategy or campaign. The focus so far is focused on questions of common penalties, common drug classes and common testing procedures, which is already an advancement, in some movement, it is moving ahead there,  
15 as I have indicated on this page.

          One comment of note here, I think, we would make with regard to the international campaign, and that is our concern that at some point soon --- it is already happening, but even more so -- we think there needs to be  
20 a shift in the sense of ownership and responsibility away from the delegation of this issue internationally to the medical and technical experts, a shift away from -- or not leave them, but to leave in part with them -- to move over to the executive and policy leaders

25           That by and large with the IOC and with the



international federations, the problem of anti-doping has been delegated to either a medical -- a medically-based or doping technically-based commission or committee. It is made up of experts generally who have medical expertise and testing or scientific expertise.

Which has been terrific, in terms of putting together the regime of labs and testing and classification of drugs, et cetera.

What I think it fails to do, however, is that what it allows is that the policy centres and the executive centres of those bodies, the IOC and the international federations, are allowed in effect to delegate responsibility to those commissions and to those committees, instead of placing the responsibility for international strategy and a coordinated campaign smack in the middle of the executive agenda, which is where it belongs.

Rather than simply receiving a report from the commission and saying carrying (sic) on, and I don't want to oversimplify that that's what occurs, but in fact to take the leadership for the international policy and strategy.

Which is not to say that the technical medical experts should not continue what they are doing. They must. They have developed what we have so far, which



is at least a reasonable standard approach to classification of drugs, testing and laboratory rigour, so that we have a basis upon which we can build a campaign.

But the campaign can't rise and fall on the development of a strategy that is only based on testing.

And the idea of how to expand that campaign, I don't think can be adequately done by medical and technical experts who don't sit around the executive table of those bodies, ruling on those things. It must shift to that sense of responsibility.

THE COMMISSIONER: Thank you.

THE WITNESS: The -- on the question of commonality -- this is a little bit different than uniformity -- I meant this to be a little bit less rigorous, if you will -- to what degree do we see the international movement moving towards at least a reasonably common approach to such matters as drug classification.

In this regard we have made representation recently to the World Health Organization, and Mr. Armstrong, we might want to look at that other paper for a moment here, if that's appropriate.

THE COMMISSIONER: Oh, yes.

THE WITNESS: The typing on it is vertical; it says Possible Areas of Collaboration Among National



Governments ---

THE COMMISSIONER: Yes, classification of  
drugs is the first item.

THE WITNESS: Yes.

5 THE COMMISSIONER: 293?

MR. ARMSTRONG:

Q. Yes, I gave a copy of that -- but I  
think we're at ---

10 THE REGISTRAR: 294.

MR. ARMSTRONG:

Q. --- 294 for the English version of  
this. And 295 for the French version.

15 THE REGISTRAR: 294, 295.

--- Exhibit No. 294: Document entitled "Possible areas  
of Collaboration Among  
National Governments"

20 --- Exhibit No. 295: French Version of  
Exhibit 294

THE COMMISSIONER: Thank you.

25 All right, Mr. Makosky.





THE WITNESS: We have made -- and we aren't the first to make representation to the World Health Organization, but on behalf of this international working group which again contains both sport and governments, we have approached the WHO with the perspective of how might governments cooperate on the matter of health-related issues.

Governments can cooperate on the anti-doping campaign in more than one dimension, but on a health-related offtake, which is the WHO's concern, we have tabled this list of considerations, and we have suggested -- and I won't go through these in detail but ---

THE COMMISSIONER: No.

THE WITNESS: --- simply highlight them -- that in a matter of classification of drugs, which is not the same as the IOC's designation of categories of drugs, but ---

MR. ARMSTRONG:

Q. Yes?

A. --- rather the common description and classification according to a standard, that there could be some worthwhile work done internationally to adopt a common classification, if you will, and at very least to



do a survey and find out, broadly speaking, where there are major differences in classification in countries that might make it easier or not to hold them, prescribe them, distribute them.

5                    Secondly, the WHO, through its research network which is quite extensive in its network throughout the world, might do some useful work and governments could cooperate in looking at the health effects to bring more knowledge, if you will, at the known and unknown health  
10 effects, focusing on steroids and others, but also on the social effects.

                  We know from indications in the United States, for instance, and this is true in Europe as well, from -- our counterparts have pointed out, that they are  
15 increasingly concerned about what all the social effects of the distribution of drug-related or sport-related drugs, such as steroids at the high school and recreational level, bringing about changes in behaviour and interaction, at the community level and in schools.

20                    And a number of the states in the US and in Europe are increasingly looking at that, not so much as a sport-related issue, although it comes out of that vehicle, but rather as a social issue affecting high school and recreational levels.

25                    THE COMMISSIONER:     Right.



THE WITNESS: In terms of advocacy, the WHO is a major advocate of healthy lifestyles. It has a major network and a lot of publications.

We think again that governments could  
5 cooperate to use its vehicles, both in the use of athletes as role models, and through its normal vehicles to promote healthy lifestyles in this regard.

Health legislation. There are a number of countries that have, I think, produced some fairly  
10 interesting health legislation.

The degree to which the WHO and countries could cooperate in putting forward a model for health legislation that countries could adopt to deal with this matter would be a help.

15 Similarly, the coordination of research with regard to doping in sport, coordinating the WHO's already-existing research in drugs, with research being done by IOC labs and whatever countries might be interested.

20

25



School education of WHO is quite involved, particularly in developing countries and school education.

And with regard to a code of conduct, the WHO does have concern for the conduct of physicians world wide. It does, in fact, have a training and skills development program for health practioners.

We think they might undertake to produce through their network a statement of code of conduct and inclusion of sport-related ethical behavior in their training programs.

Finally, just having the WHO and countries combining together to endorse these things like the international charter and to cooperate to produce a combined publication on drugs and sport using their network, we think will add some clout to the initiative.

THE COMMISSIONER: That's a commonality? That's what you are talking about there, a commonality.

THE WITNESS: That's right.

THE COMMISSIONER: All right.

THE WITNESS: In terms of distribution control internationally to what extent do we see a common approach emerging to control the distribution within and across boarders; not much.

The Nordic countries have a very interesting cooperative agreement that they have established within





each country and across the borders of the five Nordic states, as between the Central Sport Authority in each country, the Customs Authority, and the police authority.

They exchange information, for instance, of upcoming events. They exchange information where they know that there are athletes and coaches travelling to and from events that may be a source of distribution. So, that there is a cooperative approach, a strategy.

That's the only source that we have seen of international cooperation so far on distribution control.

Now, on the matter of trying to develop common legislation within countries to deal with this problem, again not much attempt so far to do some centralized summarizing of a legislative model.

We have noted that some agencies are tracking and comparing countries for progressive legislation.

This fall in November in Sophia, Bulgaria, at the European Sports Conference, which is a mix of West and East European nations will have before them an analysis that's being done by their secretariat comparing the legislative models in the various European nations.

This presumably is leading to the establishment of suggestions for a more common legislative model.



So, there is some of that beginning to emerge.

The next section, Mr. Chairman, deals with what has been traditionally seen as the more standard anti-doping program, the elements of that, which historically has been where initiatives globally have tended to have started in recent years.

To what degree have we seen any shift or increase in pace or emphasis in the last year or so in this regard, first of all, with respect to drug testing and with respect to schedule testing.

There was quite an interesting pilot on blood doping testing where obviously there is an actual taking of a blood sample at the Nordic World Championships in Europe.

The belief there, there is a report on it, quite an extensive report, the scientific analysis is that it has about a 50 percent probability so far of observing and catching those that have been engaging in blood doping. So, the technology is moving ahead.

And the IOC, as you know, and have heard reported --

THE COMMISSIONER: We have heard about that.

THE WITNESS: -- is exploring the idea of



endocrine profile testing as a possible prescreen.

So, there is possible increases in scheduled testing.

And the out-of-competition side is clearly  
5 where the momentum is beginning to grow in countries.  
Again still not a lot, as you said, Mr. Armstrong, you can  
count them on one hand, but a lot of them are beginning to  
put in place new patterns. The United States, West  
Germany, France, as we heard yesterday, are beginning to  
10 put in place models that we think will see initiation in  
the next year.

A major focus of the Second World Conference  
in Moscow will be on out-of-competition testing. It is a  
major theme. There will be workshops on the  
15 establishments of a model on the selection pattern for  
selection of athletes, on the establishment of due  
process.

One must remember as we have heard that  
out-of-competition testing requires a whole new process  
20 for selection of athletes for due process and rights and a  
whole set of new kinds of infrastructure to conduct such  
out-of-competition testing.

Internationally in terms of  
out-of-competition testing, the IOC's new proposal for a  
25 testing group to fly around the world, as you know, has



received budget approval at the IOC meeting in Puerto Rico within the last month.

And the anti-doping charter will have another annex tabled in Moscow in fall which outlines the principles and practices for an out-of-competition testing model.

We are, of course, concerned with, and this has been noted before, the number of and access to IOC accredited labs. And that continues to be a problem internationally.

There are a whole continents in the world that currently do not have direct inclusion of or access to IOC labs both in numbers and in terms of costs. It will be one of the major challenges internationally as we try to increase this level of testing on a global level.

To what extent has the emphasis of education proceeded ahead? I think, dissappointinly, not a heck of a lot.

Everyone has talked about the need to increase the pace around education. We have not seen evidence so far of really innovative models of education packages emerging.

There is some good education work going on in some countries, notably the Nordic ones. And the Nordic countries will be putting forward a model for an





education model hopefully to be used internationally.  
They will be presenting that at the World Conference in  
Moscow.

5           The Council of Europe is doing -- does have  
a committee that is doing some work. So far we haven't  
seen the results.

          Finally, traditionally the anti-doping  
campaign has engaged in research on drugs and on testing  
technology to keep up.

10           Again, there has been further work by the  
IOC. They are currently coordinating a number of research  
initiatives among their labs on blood doping, among  
others.

15           We have approached the WHO to help in the  
co-ordination of research.

20           We think there is another dimension with  
regard to research that might help, if you will, in  
general with regard to the sport movement, and that is to  
heighten the research on sport sciences and to encourage  
the further dissemination of knowledge to the sport  
delivery system.

25           One of the problems that we know  
internationally that exists is that there is a fairly  
large and growing gap between the advanced nations in  
sports and those nations that are not in the top 15 to 20.



And that gap is growing. And I think it is our concern that the nations who are beyond the top 20 will increasingly see and believe that the only way they can catch up is somehow to access the drug problem which may not be as endemic in their countries as it may be in some of the more advanced nations.

And presumably one of the responses to that is both to assist those nations to advance in sport by passing on to them the sport technology that is drug free that already exists and exists in substantive form in the advanced nations and it is not yet adequately being distributed.

And also to, if you will, focus new research and new technology that can be distributed further.

The next section, Mr. Commissioner, I think begins to get into the areas where there is very little if any development on the international level, but which ultimately must be embraced if there is to be true and substantive and deep change --

THE COMMISSIONER: All right.

THE WITNESS: -- on the global level. And that's with regard, first of all, to values and value change. To what extent have we seen in the last year the emergence of or any pattern that emphasises the questions of ethics and values?



First of all, to what extent has there even been a debate about values internationally? Very little, in our belief.

5 The IOC's international academy this year in Greece did have as one of -- if not their major theme, the question of doping in sports. So, it is getting on the agenda of, I will call it, the informal forums where youth tend to go and come and talk about such questions.

10 Both the United States Olympic Committee and Canada's Olympic Committee academies this year as well this summer had a major theme focused on drugs in sport.

15 And we have seen selected media articles, not domestically just, but internationally as well. Some of the more thoughtful ones that have begun to focus on the question of values and pressures on the sport movement and whether or not the question of drugs in sport has distorted sport from a value-based point of view.

20 And in some respects, the role of media has been noted, but this initiative, if you will, which is talking about value-based questions, talking about the involvement of media, we have not seen yet either a comprehensive enough or strong enough pattern to suggest that the global campaign has seized itself of ethical considerations and value-based considerations.

25 They are currently focussed on the kind of



control mechanism of testing and regulatory in and out-of-competition scheduled testing.

To what extent --

5

MR. ARMSTRONG:

Q. Just stopping you there, not wishing to be seen to be incurring favour with the media, but in fairness in the last year one can't help but observe that in the media itself there have just -- there's just been a great increase in not only the number of articles on testing and the need for it and the investigation of a particular doping incidents, but, indeed, the media has started to focus on the questions of ethics in sports, values, where are we --

10

15

THE COMMISSIONER: Not all of them, Mr. Armstrong.

MR. ARMSTRONG:

Q. -- and so on. But -- no, I agree.

THE COMMISSIONER: Not all of them.

20

MR. ARMSTRONG:

Q. But it started. It started, has it not?

25

A. Yes, I agree there is a start. I would say that generally speaking it is more selective and





occasional than comprehensive.

We do not see a debate occurring in the European or Asian or even North American media between media, or amongst media asking this question or even  
5 creating forums where the debate about the issue -- the ethics and the values of sport become a major question which is not to say there are not selective instances of it. We don't see it being the major focus of the editorial type of comment.

10 Q. I suppose going back, if we go back a couple of years, it could be said that where I have stood in this position and asked a number of people where were they when the smoke signals were going off, if there was a media person in that chair, I could have asked that media  
15 person where was the media two years ago as well, I suppose?

A. Yes, I think that's fair.

Q. All right.

A. So beyond the debatable values, to what  
20 extent do we see actual leadership approach and reshaping of values. Again the emergence of some interesting development, the fact that at the next World Conference there will a major package on ethics and responsibilities of athletes and others associated. And that will be a  
25 major theme. It will be talked about amongst the 40



nations and 20 or so federations who will be present.  
This suggesting increasing concern for it.

But I think it was again the international  
working group that raised this as a theme, they put it on  
the agenda. And hopefully we will see momentum coming out  
of the Moscow conference where it becomes a major ongoing  
agenda item of global meetings of the sport community.

Similarly, at the Moscow conference, there  
is a new annex related to this same thematic workshop  
dealing with ethics and responsibilities. It will be  
tabled there, and it will be attached to the charter as it  
winds its way around the world gaining endorsement and  
being distributed to nations.

Again, I suppose I would make the comment  
here that to the extent that we seek a reshaping of  
values, the leadership for that must be vested in the  
policy and executive centres of international federations  
and world bodies and must, therefore, be in part  
redistributed out of the medical and technical commissions  
and placed in the executive authorities. They must lead,  
I think, the reshaping of values, initiatives in their  
organizations.

The next dimensions ask the question how  
will we undertake system and culture change, which is --  
includes with it, if you will, an emphasis on ethics and



values which is to say for those of all of us who have had the benefits of nine months of the Inquiry and have observed and learned from the various aspects of testimony, and we now have the benefit of being able to sit back and awaiting the recommendations of the Commissioner and looking out some months from now on how one will undertake the changes to a system of sport within a country or in other countries, to what degree do we see any other centres of the world looking at this question of massive system change, including the question of value shift, et cetera.

And we have not seen very much evidence, I think, in that regard. This Commission and some of the thinking it will be doing presumably in the months ahead will hopefully make a major contribution and our approach post-Inquiry to what Canada will do will hopefully be the beginnings of some insight that other nations we hope will benefit, and how you undertake change in a major system of sport which is established in the country.

There is another challenge as well where doping is not involved in a country or the system is only newly developing, such as in some of the developing nations, how do you undertake a preventative kind of approach.

That represents another kind of system



approach that hasn't yet been thought about. And I think the leadership of the international bodies of sport and governments have a responsibility, if you will, to try to help those not yet directly involved to help prevent the involvement in their nations.

The last section really asked the questions about monitoring, evaluation, and compliance.

If there is in fact some demonstrations of events and trends in all the other aspects that I have noted and some dramatic -- some of this has been dramatic, some have been incidental, but nevertheless there has been a significant heightened pace and a pattern shift. We are on a new campaign. We are definitely on a --

THE COMMISSIONER: Well, so far, with respect, it is on paper, Mr. Makosky, mostly.

THE WITNESS: A lot of it is on paper, that's true.

THE COMMISSIONER: How do you monitor what is going on? By action instead of by prose?

THE WITNESS: Yes, presumably. And presumably if you begin to have some kind of international observation of what progress has been, and you offer up those observations in some kind of summary, you can use that as a kind of moral suasion document, at the very least, if you will, to embarrass. If, in fact, there is





some kind of annual reporting on progress within countries and federations --

THE COMMISSIONER: Well, that depends on how thin skinned or thick skinned some people are.

5 THE WITNESS: That's correct.

THE COMMISSIONER: I mean there is no doubt there is a great deal of work and effort going on, and you seem to be immodest, but there is no doubt, I heard this when I was in England as well, that Canada is sort of taking a lead role in this effort.

10 But when you get to the question of monitoring, I don't know how you go about doing that.

THE WITNESS: Well, in both small and big ways, I guess. There is a minimum, for instance, if there is an obligation by the IOC to its labs to have all positive tests reported centrally, and, in fact, there becomes an obligation that the national federations report on what they have done about those positive tests --

THE COMMISSIONER: That would help.

20 THE WITNESS: -- you have initial monitoring.

THE COMMISSIONER: Through the IOC?

THE WITNESS: Through the IOC.

THE COMMISSIONER: Right.

25 THE WITNESS: Exactly. If there is, for



instance, a series of bilateral agreements by a number of countries that they will agree --

THE COMMISSIONER: But you see the IOC have never required as a condition of participation random testing.

THE WITNESS: That's correct.

THE COMMISSIONER: And yet it is apparent all through these years that in-competition testing has not been an effective means to determine who or who are not taking steroids at Olympic Games.

So, that obviously the IOC have to put a higher priority on this matter, too.

THE WITNESS: I agree. And a higher priority on it not just in attempting to do the testing itself, which is what their new program is.

THE COMMISSIONER: Yes.

THE WITNESS: But to offer up the authority of coordination.

THE COMMISSIONER: Exactly.

THE WITNESS: That's really where their leadership --

THE COMMISSIONER: And assist in the monitoring, too, I guess

THE WITNESS: Correct.

THE COMMISSIONER: All right. Thank you.



THE WITNESS: So, we see the possibility of monitoring both within a country and outside. And in that regard, the national model which has the elements of a campaign within a country, which is part of the world charter, we have or will be tabling in Moscow a model for evaluation within a country.

So, those countries that are interested in in developing a series of observable standards against the elements of a national campaign can begin to use this.

On an international level, what we hope will occur at the Moscow conference will be the tabling of some kind of global monitoring model that will call for as a minimum an annual survey of countries in sports, central tracking of test results, and follow up.

At least some kind of clearing house where there has been useful insights on change and improvements such as through the Dubin Inquiry, that the insights from such an Inquiry could be put in some central clearing house and shared with other countries so that a lot of both the pain and learning that Canada has gone through can be experienced first hand by another country throughout the world.

And leading to some kind of annual published summary of the status of the anti-doping campaign by country and by international federation.



So, we hope that some kind of global monitoring model like that will be passed and see its seeds at the Moscow conference.

But the campaign to seek follow-up, if you will, can take the form of both organized and unorganized pressure.

And I finish by attempting to say to what degree do we see organized pressure on any level occurring or unorganized pressure.

Certainly within countries a number of multi-sport federations and governments have added to the already pressure and have demonstrated they want a compliance towards a better set of standards: West Germany, France, the U.K. et cetera.

We have seen new moves recently, countries like Bulgaria, Australia launching the results of their inquiry and indicating that they want to seek compliance within their country.

Globally to what extent do we see organized pressure at the world level to have compliance across sports: Not very much.

Amongst governments, again, only a loose kind of development, but at least the development of the world charter and the Council of Europe convention showing movement in this regard by governments saying we want to





work together to seek compliance amongst us to a common standard. And the UNESCO meeting this fall will hopefully endorse that resolution.

5 To what extent, finally, do we see any evidence of activism and advocacy by those athletes and coaches throughout the world who are impacted by all.

10 I mean one of the tremendous ironies, I suppose, in all of this doping considerations is that there is still, I think, the sincere belief that there are vast numbers of athletes and coaches throughout the world who are not involved with doping who are quite incensed at the development who feel that they are the real victims and don't feel that they have a voice and have not expressed themselves.

15 And in fairness, it is probably fair to say that they have never really been called upon to stand up and defend themselves and their movement before. And they do not know, in a way, I suppose, how to go about it. But we see the beginnings of this starting to happen  
20 internationally by athletes and coaches where they are undertaking the presentation of role models and the potential of withdrawal, if you will, of their involvement.

25 The IOC Athletes' Commission has tabled a plan for role models which we hope will -- speaking role



models which we hope will see its evidence at some point in the future.

We know of athletes in Europe and in Canada and the U.S., I didn't quote the Canadian athletes because those have been heard of during this last year, Mr. Moses in the U.S is an example.

Just recently, in the last several weeks, months, in Europe at the European swimming championships, the organization responsible for the conduct of the European swimming championships and Europe Cup called LEN, the League of European Nations, was presented by a petition by a group of some 200 athletes, high performance elite athletes, attending the European championships, signed by athletes from West and Eastern Bloc countries, Soviet Union, the U.K., and this petition called upon the LEN to increase its level of scheduled testing at the European championships and meets.

They felt it was inadequate, called upon the LEN to increase its schedule of out-of-competition testing, and generally called the LEN to task for not having undertaken enough leadership.

This was the athletes signing this petition.

And it finished with a statement at the end of the petition that said the athletes reserve the right to withdraw from a meet if they felt there was not



adequate doping testing being undertaken with regard to that competition.

THE COMMISSIONER: Which athletes? These are the swimmers?

5 THE WITNESS: These are swimmers from all over Europe.

THE COMMISSIONER: All over Europe?

THE WITNESS: Yes, there were several countries that signed.

10 So, this is an example of the athletes standing up and saying we want better involvement of our federation, we want better controls, and we don't want to compete against others who are involved with drugs.

15 And we hope that we will see the evidence of that increasingly amongst coaches and athletes internationally.

20 Finally, to what extent have we seen evidence of groupings of countries acting, if you will, in an activist kind of way banding together forming some sort of the cartel for change, whether they be on a governmental basis or a national Olympic basis, et cetera. Again, not a lot.

25 The Nordic group has shown the leadership once again in this regard. They have been together for some years and banded together to undertake changes





internationally through their advocacy.

We see some possibilities of a grouping of countries forming an activist group within the Commonwealth. We hope ultimately there will be a lot more undertaken in this regard.

If I could just finish with a concluding observation, I guess, Mr. Commissioner, it is to say that when you add all of this up in terms of where the international campaign is and seems to be going, I think it is fair to say, Mr. Commissioner, that it is in a substantive way largely on paper by agreement.

There are a lot of very encouraging developments that suggest action within countries in new countries that weren't there before, in new federations that weren't there before, and amongst them in terms of collaborative leadership, particularly in the IOC.

There is a lot more to be done, but ultimately, I guess, if the most important observation one might make at this point is that the will for change, we believe, must come from within. That ultimately a campaign that is focused primarily or exclusively on testing and controlling that kind of optic, I will call it a controlling and management optic, can't hope to bring home real fundamental, deep and lasting change because that kind of controlling police approach will succeed, I





think, in raising the legitimacy of sport and indicating that the officials are serious, but ultimately it will not undertake the reshaping of values and will not bring about fundamental change.

5           The change must come from within, from within the individual themselves, the athlete, the coach, and from the experts, and the sport system, not from those who sit in the outside, if you will, and make rules.

10           Those who sit on the outside and make rules or attempt to use the influence of their financial or other authorities are a significant player and will provide leadership, but change must come from within.

15           It demands personal and collective leadership, we think, in making choices about the reshaping of ethics and values in the sport system internationally.

20           And that both within countries and globally, I think, the remaining challenge will be how to go beyond the current pattern of test and controls to urge rethinking and reshaping of values from within.

          Anything else will fall short, we think, of a real and lasting solution to this serious problem.

MR. ARMSTRONG:   Thank you, Mr. Makosky.

25           THE COMMISSIONER:   Thank you.   Any questions?



MR. PRATT: I have one question.

THE COMMISSIONER: Mr. Pratt.

--- EXAMINATION BY MR. PRATT:

5 Q. Good afternoon, sir. When you testified in January here you indicated that you believed in the sincerity of the East German and the Soviet Union and their participation in anti-doping efforts.

10 I wonder if you can tell the Commissioner whether you still agree with -- you still have that assessment today?

THE COMMISSIONER: Well --

15 THE WITNESS: I am not sure exactly what I said in January. I think I said that there was a change that we had seen in the recent year or two in the Eastern Bloc that where previously one would have either a reluctance or even a resistance to openly admit there was a doping problem in their country, this was a dramatic change and that significant leadership was emerging  
20 amongst leading sporting nations in the Eastern Bloc, such as the Soviet Union, in particular, and to some degree the GDR, who were accepting that there was a doping problem that was shared internationally, and they had a doping problem in their country.

25 I think the acceptance or admittance takes



on a much different shape and tone to it when you go country by country.

5           The Soviet Union's statement to us privately and publicly has been to say that in terms of doping within their nation, it is not a matter of intent or centralized policy of the Soviet Union to have that aspect in their sport, and that they want to undertake change to stop it, that they do recognize they have a significant problem, that it is largely decentralized and exists in 10 certain pockets and in certain sports. And, indeed, that there have been -- there has been an open acceptance of intention in the sport system to get around international campaigns.

15           You don't hear the same full and open expression in all of the Eastern Bloc countries. So, one is left with statements that are more limited in which those countries indicate their willingness and wish to address the campaign and be part of international campaigns.

20           At the same time, they will often say that it is their wish to manage the problem in their country privately within their own resources and to contain it there.

25           Increasingly in the last year I would say that all the countries in the world who have previously --





all the countries -- most of the countries in the world who have previously wanted to focus on the problem within their country and to keep a curtain around what they were doing, are increasingly forced to come out of the closet.

5           At the international public opinion, the international pressure by the IOC and federations, by public will, by governments is forcing such countries to openly be part of international campaigns, to accept that they have a problem in their country, and to be part of  
10           the solution openly, not just within their country.

          So, if you were to ask do I still feel that the Soviet Union, the GDR are sincere about being part of an international change in campaign, to the degree that they have stated their sincerity by last January, I would  
15           say, yes, that is still there in the same strength.

          If anything, I would say that the Soviet Union is probably somewhat stronger in declaring in the last nine months or so an openness to reveal the problems in their country and to be part of a campaign.

20           The GDR, I would say at this point in time, would be at about the same position, openly expressing a will to be part of international campaign, still somewhat closed in terms of talking about what they are doing in their country to control the sports, other than saying  
25           that they are controlling it, and are managing it.





MR. PRATT: Thank you.

THE COMMISSIONER: Mr. Armstrong?

MR. ARMSTRONG: No, I have no further questions.

5 THE COMMISSIONER: All right. Well, thank you very much. You have certainly given us a great deal to think about, and I am very indebted to you and Ms. Hoffman for her very thorough analysis of many issues.

10 And it seems like, I don't know when, but you and Ms. Hoffman were our first two witnesses, you are now are last two. In the mean time, we have heard from 120 others. And we have a lot to think about.

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THE COMMISSIONER: This is the last day in which we're hearing evidence from witnesses, publicly, and in the next stage we're going to hear argument from counsel, submissions from counsel, which will begin on the 27th. Is that right, Mr. Armstrong?

MR. ARMSTRONG: Yes, that's right, sir.

THE COMMISSIONER: I had hoped it would be the 25th but I have a Judicial Conference that I must go to, so we won't be back till the 27th.

Lawyers are not expected to give evidence, so this is the last evidence we'll hear. And we will hear their submissions beginning the 27th, and probably at the conclusion of all these proceedings I might make a short statement in summary of what I think we have accomplished to date.

So we will now adjourn.

Thank you again. We will adjourn to the 27th of September at 10 o'clock.

MR. ARMSTRONG: Ten o'clock.

THE COMMISSIONER: Thank you.

--- Whereupon the Hearing is adjourned until September 27, 1989 at 10:00 a.m.







